

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
OCTOBER 20, 2021**

CALL TO ORDER

Council President Deborah Lindley called the regular council meeting to order at 7:00 p.m. EST in the upper level of the Village Hall. Present in addition to Lindley were James Bracewell, Peter Doerr, Paul Leonard Jr. and Blake O'Halloran.

ADOPT AGENDA

Lindley moved, seconded by O'Halloran to adopt the October 20, 2021 agenda as presented. Motion carried unanimously 5-0.

ADOPT CONSENT AGENDA

- a. Approve Village Council Minutes:
 - i. Regular Council Meeting September 15, 2021
- b. Hall Rental Request – Cassidy Schumann
- c. Pay Bills with Written Additions

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

PUBLIC COMMENTS ON AGENDA ITEMS

Laurie Roche, Planning Commission Chair spoke to the Council about the process of requesting that the Planning Commission continue to work on a short-term rental ordinance to present to the Council for their review. She referenced a letter to the Council from Planning Commissioner Harry Walder and spoke about her concerns with the letter.

Angela Trainor spoke about the need for a short-term rental ordinance and a fee to give the Police Department the authority they need to enact ordinances. She questioned the 6-day minimum rental dates between May 1-September 30.

Ed Sebastian told the Council he thinks it is critically important that the Council lay out an extended sequence of Village engagement in order to capture the reaction to and thoughts about the short-term rental ordinance. He suggested the residents and homeowners engage the Council about this.

Brendan Duffner said that the short-term rental ordinance comes down to safety, and that he doesn't think that 7-day rentals have as many issues as those with shorter durations. When he hears the Council mention taking the ordinance to the people, he said the last time he remembers this happening was with the bike path which he says was hijacked and the Council was forced to take a vote.

Kaye Moriarty said that she has been renting out a home for 40 years and lives next door and has never had a problem. She said she hasn't seen any problems with other rentals in the Village.

Tina Shanahan said they bought their house in May and they rent a place on their property out through Airbnb, and that the duration suggested in the ordinance will not work for them. They only allow two people to rent and only when they are in their home. She doesn't think one size fits all.

Ed Trainor asked if the Village is going to vet every time someone lends their house out to friends. He said there would be the same disturbances if it wasn't a rental.

Gina O'Halloran said that she is a property manager and rents out several homes and that Grand Beach is made up all summer long of people that are only here for three nights. She doesn't agree with allowing neighbors to be here for three

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nights, but renters have to be here for a longer duration. She said she works with her renters for months before they come and stays in contact with them throughout their stay.

Linda Maroney said she lives next door to a rental that Gina O’Halloran manages and she thinks the manager should talk to the neighbors. She said the most complaints with rentals are noise, parking and garbage. She said that renters do make them uncomfortable and she wants to feel safe in her own home.

Chuck Maroney said they were told that after three complaints on a rental property, the owner of the property would be required to apply for a special land use permit, and he hasn’t heard from Police Chief Ryan Layman or Council President Debbie Lindley about it. He said Chief Layman’s hands are tied and the Council needs to take care of it.

Allen Boyd said his family has been paying taxes in the Village for many years and over the years he has seen vandalism caused by permanent residents and that not all damage is done by renters. He said rules need to be enforced equally and equitably for all.

Jim Bracewell, Council member commended Planning Commission Chair Laurie Roche for the fine job she has done. He said the Planning Commission was given Michiana’s ordinance by Police Chief Ryan Layman and the Planning Commission has been working on it.

PRESENTATIONS/RECOGNITION

ANDREW KENNEDY, UNIVERSITY OF NOTRE DAME CIVIL ENGINEERING– SHORELINE EROSION

Andrew Kennedy, Professor of Civil Engineering at the University of Notre Dame told the Council that they are developing a proposal to the National Science Foundation (NSF). He said they are looking at erosion along Lake Michigan and would like to develop better risk measures for the future to help predict what is likely to happen and what might be the effects if various mitigation options are taken.

They need community partners and would like to meet to identify concerns, model various scenarios to see what is likely to happen in the future and produce estimates of what might happen with different scenarios.

They are not asking for any funding from Grand Beach with all funding coming from the NSF. They will need a signed collaboration letter to the NSF. They are choosing four or five communities along the lake in Indiana and Michigan to work with.

PUBLIC HEARING

None

COMMISSION REPORTS

BUILDING & ZONING: Bracewell said that there are currently 45 building permits. There was a meeting held with Ms. Kramer and Dr. Turk recently regarding setbacks and height requirements on a new home. He said the topography in Grand Beach sends different messages to everyone because the lots are not flat and that Building Inspector Bill Lambert did an excellent job explaining everything.

Bill Lambert said that Harry Walder is making a suggestion about the building report and they are working on it.

Lindley spoke about trees that were removed on SkyHi recently and said that the property owner had a permit from EGLE and they’ve been cited by EGLE and will have to plant trees to restore the bluff. She said they went beyond the scope of their permit. The EGLE permit only gave them permission to remove trees to do borings, and they went way beyond that.

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Bracewell said they haven't done the borings yet and have not submitted building plans to the Village and they do not have a building permit. Lindley said they will not receive a building permit until a plan is shown to the Village with EGLE's specifications for restoration.

PARKS & BEACHES: Doerr said that they held their first Parks & Recreation Committee meeting, and members including him are Doug Blauw, Judith Blackburn, Ed Brandes, Ed Trainor and Harry Walder. He said that right now there are only two useable beaches. There is work taking place on the Whitewood beach that was scheduled last year, and work is scheduled to be completed in two weeks. The beach stairs at Pump House (Walnut) beach were just replaced and will be removed on November 1 since there is no way to protect them.

Lindley said that the Parks & Recreation Committee was originally formed to complete a Parks and Recreation Plan in order to be eligible for Michigan state grants. The Village originally wanted to seek a grant to purchase property on Whitewood, but the timing didn't work out by the time the plan was done, but it did help the Village to apply for a grant for the purchase of the 42 Acres. O'Halloran said he thinks the committee has evolved. The intention of creating a plan to go after grants metamorphosized into something that is going to be good for the planning of parks and recreation and beaches for the future.

STREETS & WATER: Leonard said that the tree removal on the parcel on SkyHi is of concern to him because of the narrow road. He received an email that trees in the right-of-way had been taken down and he went up there and it looked like a bomb had gone off. His concern is that the erosion of that dune will destabilize SkyHi and if we lose SkyHi, the residents won't be able to get to their homes. He's concerned about water and gas lines that run under the road. He later found out that the Village does not have any right-of-way, and that the property owner owns all the way up to the asphalt. He said EGLE determined that the owner exceeded their permit because they gave the owners a permit to take down 18 trees and they took down 38 trees, and he believes the permit was pulled by EGLE. He said there is nothing up there to stabilize the dune at this time and they will be monitoring the situation.

He said the Village put up additional fabric barriers to try and control erosion as best we can and he believes that the Council should make a very strong demand that the owners reimburse the Village for the costs that were incurred to protect the Village's infrastructure.

He said that Superintendent Bob Dabbs was recently informed by the contractor doing the drainage project on the golf course that there were large oak trees that need to be removed prior to them completing the drainage project along Grand Beach Road. Grand Beach Road will be closed in both directions from the arch to the Highway 12 entrance during the work and if exiting through the arch, traffic will travel south and enter Highway 12 near the Michiana Stables. If traveling towards New Buffalo, traffic will take Perkins to Golf View to Deer Park to Grand Beach Road to the tracks. The work could take two weeks, and there is not a firm commitment date yet from the contractor. Police Chief Layman will send out an email alert as soon as we know.

Bob Dabbs said that it will cost \$5,000-\$6,000 to remove the large trees and that all burning bushes and lilac bushes will be removed for the project. He told the Council that he got a bid for a sidewalk from Fox Trail to the arch and it will cost approximately \$90,000.

POLICE: Lindley said there have been four incidents this month where residents have gone to contractors and tried to stop their work, and there was a trespass complaint against a resident trying to stop work on a property. She said owners should not get into arguments with contractors and that if you are having a problem, you can contact Building Commissioner Jim Bracewell or Building Inspector Bill Lambert or call Clerk Mary Robertson if it is an emergency and she can contact the police chief. She is concerned in today's climate and the police should be contacted.

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PRO SHOP & COURSE: O'Halloran said 2021 is the second-best year ever for the golf course with last year being the best year. In 2012-2019 there was an average of 8,000 rounds of golf, in 2020 there were 12,013 rounds and in 2021 there were 10,123 rounds of golf played.

He said he put together a Golf Committee which includes residents and non-residents. He said that to him, the most important need is a new irrigation system and he thinks that the expense might have to be part of an increased millage rate.

He said with the Village leasing rental carts next year, there will need to be seven additional electrical spots and the wall will need to be extended for the chargers. He said the Village sold its rental carts for \$32,000 and some of that money will be used for the electrical work and some will be used for tree pruning.

SERVISCAPE REPORT

Clay Putnam said routine maintenance has been ongoing. They had one irrigation repair over the last month. They plan to winterize the irrigation system on November 11 and aerify the fairways at the end of October.

PERSONNEL REPORTS

SUPERINTENDENT: In addition to his written report, Superintendent Bob Dabbs said that the leaf collection equipment is being serviced. They will have Michael Flick helping with leaf collection beginning November 1. Leaf collection will begin on November 1, 2021 and will end on December 3, 2021 (weather permitting).

POLICE CHIEF: In addition to his written report, Police Chief Ryan Layman reported that there were 44 complaints in September. He commended Officer Creo Brewster for arresting a driver who was under the influence of drugs, adding that he handled it well. He reminded people not to go onto other people's property and confront contractors because you never know who you are dealing with and if they could have a weapon.

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

UNFINISHED BUSINESS

None

NEW BUSINESS

SHORT-TERM RENTAL ORDINANCE REVIEW

Lindley said that the Council received a rough draft of the short-term rental ordinance from the Planning Commission and after review, it will be sent to the Village Attorney. She said that the Council needs to get it out for public comments. She said that we found that we have no legal standings regarding short-term rentals and the ordinance will give us what we need.

O'Halloran said he knows there are a lot of people that talk about trouble with renters. The Village wants to try and take care of the people that are causing nuisances and also has to keep in mind that there are a lot of good renters. He said he is in favor of an ordinance and it makes the rental businesses better. He said rentals are an essential part of the community and bring in potential buyers, and the Village needs to put something in place that allows the police to regulate short-term rentals.

Bracewell said that there were a couple of items that were mentioned to the Planning Commission but are not included in the ordinance and he wanted to mention them to the Council. They include a cap on the number of rentals allowed and zoning to regulate the number of rentals in the low, medium and high-density areas.

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The Council reviewed the draft ordinance and made a few changes to the wording and directed Clerk-Treasurer Mary Robertson to forward it to the Village Attorney and have it back for the November meeting.

Planning Commission Member Robert Kegan said the Planning Commission has been working on this for a year now and one of their goals was to put something on paper that people will follow. He thinks they should avoid hot topic items like the 6-day minimum rental. He said if the Village goes too far, people will say they won't follow the rules and he thinks it is best to adopt an ordinance that people will follow.

MILLAGE INCREASE OR SPECIAL ASSESSMENT

Lindley said that last month she tasked Council members with deciding if they think the Village should increase the millage rate, do a special assessment or if there is no need to raise the tax rate at all. She said a year or so ago Village Attorney Sara Senica came in and discussed what an assessment would entail and discussed how millage rates work in Michigan.

Lindley said in short, an assessment is for specific projects with specific engineering or price quotes. If the Village goes over budget, the amount that was over needs to be funded by other means and if the project is under, the extra money needs to be returned to the taxpayer. The Council sets the assessment amount by a yes vote of four Council members. She said language for a millage increase is written by the Council, put on the ballot and voted on by the registered voters of Grand Beach. She said in both cases, the Council needs to determine what needs to be done, prioritize and sell it to the public, in particular to the registered voters.

Lindley said Clerk-Treasurer Mary Robertson included the millage rates from 1979 until now in the packet. The rate in 1979 was 16.9 mils and raised \$88,000 in taxes. Over the years the millage rate has dropped to 6.0135 mils and raised \$836,638. Robertson noted in the document that an additional mil would cost the tax payer \$1.00 per \$1,000 of taxable value for each additional mil and raise \$139,125 in taxes.

Lindley said the Village has never raised the millage, but we have always adopted the Headlee Rollback and it's time to do something.

Lindley said Robertson also included a page that shows the millage rates in other area Villages. The Village of Grand Beach is the lowest. She said we've been able to keep the rate lower because we have the highest taxable evaluation in the area, but the Village has more needs with a growing population and with infrastructure in need of updates.

Lindley moved, seconded by Leonard to proceed with a millage increase, educate the property owners and define the funding needs of the Village. Motion carried unanimously 5-0.

EMPLOYEE PAY INCREASES

Lindley moved, seconded by Leonard to give 3% raises as proposed with a \$3.00 per hour raise for Dale Powell, a \$1.00 per hour raise for Creo Brewster and an extra \$100 a month bonus to Bob Dabbs during the water training period for the new employee, with the \$100 per month transferring to the employee once he is trained with a water license. Motion carried unanimously 5-0.

RADAR PURCHASE FOR POLICE CAR

Lindley moved, seconded by O'Halloran to approve an expenditure of up to \$2,000 for new radar in the police car. Motion carried unanimously 5-0.

SET TERMS FOR PARKS & RECREATION COMMITTEE MEMBERS

Bracewell suggested that the parks commissioner and golf commissioner discuss with their committee members the terms and then the appointments will be made at the November Council meeting.

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APPOINT PARKS & RECREATION COMMITTEE MEMBERS

SET TERMS FOR GOLF COMMITTEE MEMBERS

APPOINT GOLF COMMITTEE MEMBERS

BERRIEN COUNTY BIKE, HIKE & PADDLE TRAILS MASTER PLAN

Lindley said that the Friends of Berrien County Trails is asking for a \$2,000 donation or will accept any donation from all Berrien County municipalities, but would like 100% participation in order to create a Bike, Hike & Paddle Trails Master Plan.

Leonard moved, seconded by Doerr to contribute \$500 towards the professional services expense for the Berrien County Bike, Hike and Paddle Trails Master Plan. Motion carried unanimously 5-0.

THE NEIGHBORHOOD HOTEL

Lindley said that The Neighborhood Hotel advertisement looks as though it is located in Grand Beach although the hotel is not located in the Village, but the parking lot is located in the Village. They also show Grand Beach's playground, golf course, tennis courts and beaches on their advertisement. Lindley said that she believes that their guests can use Village beaches, although there is no parking and they can use the golf course since they are public, but cannot use the tennis courts which are not public. Village Attorney Sara Senica will send them a letter.

TRANSFER LOCAL REVENUE SHARING FUNDS TO CAPITAL PROJECTS FUND

Lindley said that the Village received \$30,685 from the Casino Local Revenue Sharing Fund, which is up about \$1,000 from 2019 pre-pandemic and up \$8,597 from 2020's pandemic so people are gambling again.

Lindley moved, seconded by O'Halloran to transfer the Local Revenue Sharing Funds of \$30,685 from the General Fund to the Capital Projects Fund for non-specific use with plans to use the funding for the generator for the Village Hall. Motion carried unanimously 5-0.

BUDGET AMENDMENTS

1. GENERAL FUND 2020-2021
2. GENERAL FUND 2021-2022 - GENERATOR
3. WATER FUND 2020-2021
4. GOLF FUND 2020-2021
5. MAJOR STREET FUND 2020-2021
6. LOCAL STREET FUND 2020-2021
7. BUILDING FUND 2020-2021
8. CAPITAL PROJECTS FUND 2021-2022 – GENERATOR

Lindley moved, seconded by Doerr to approve all budget amendments as presented. Motion carried unanimously 5-0.

TRANSFER FUNDS TO CAPITAL PROJECTS FUND PER FY 2020-2021 BUDGET & AMENDMENTS

Lindley moved, seconded by Leonard to transfer \$242,885 from the General Fund to the Capital Projects Fund. Motion carried unanimously 5-0.

PUBLIC COMMENTS - GENERAL

Gina O'Halloran said that the Village needs to treat residents and renters the same. She said the three strikes your out is a problem if you have neighbors that are constant complainers.

Chuck Maroney said that the three strikes rule is in place now and that is what was documented.

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Linda Maroney said she is asking for peace and enjoyment of their home. They don't know who is renting next to them.

Kaye Moriarty thanked the Council for all that they do. She said the millage increase is important and the Council needs to get word out that the revenue received through the millage is kept in Grand Beach and none of it goes to New Buffalo Township.

Tina Shanahan thanked everyone. She said she thinks that the Village feels that all rentals are bad and she said that not all are. She hopes they can work together with people who rent homes and let people know there are rules.

Laurie Roche said the Planning Commission is required by Michigan law, and it is a fact-finding board. She said while she's been on the Planning Commission, since 2013 they've worked on short-term rentals.

Joe Farwell said that by now the Council has received his family's letter regarding the required easement for the relocation of water lines on their property, and said that they never agreed to a 15' easement on their vacant lot. He said they will continue to work with Water Commissioner Paul Leonard on this and they have been dealing with this for eight years and they would like a decision in 30 days. Lindley said it will be on the November agenda.

CORRESPONDENCE

Lindley reminded registered voters in Michigan that there will be three positions open on the Council in the next election. Those interested can get their petition to run for the Council from the New Buffalo Township Clerk.

YVETTE BRANDES – BEACHES

Lindley said that several years ago the Village tried to pass a millage for the roads, and it failed. She said to maintain roads to the standards everyone wants, the Village will need funds. She hopes when the Village tries to pass the new millage, Yvette will support it and help raise the public's awareness.

She said the homeowner and contractor did rebuild the lookout on Lake Park and also did \$65,000 of revetment and drainage work for the use of the access. She pointed out that it was mentioned in the letter that Michiana puts their residents first and Lindley said that their millage rate is 9.2325 and Grand Beach is 6.0135. She stated that the Village spent over \$200,000 for upgrades to our Village Hall.

LAURA DESMOND – RECYCLING

Lindley said she told Desmond that when negotiations come up with Able Disposal, the Council could discuss weekly recycling from April 1 to December 1, but there would be an extra cost which would be passed on to the homeowners.

ANN SEBASTIAN – BEACHES

Lindley said most of Anne Sebastian's questions have been answered about the beach. The Council does discuss all issues at Council meetings in a public forum and decisions are made at meetings.

ED SEBASTIAN – STREET LIGHTS

Lindley said the street lights in the Village are a safety issue and the electric company controls the lights, not the Village.

ANGELA TRAINOR – BEACHES

Lindley said most of Angela Trainor's concerns have been addressed. She said by going back to having our public accesses free of work from Memorial Day to Labor Day, the Village needs to allow work to be done during the rest of the year so homeowners have time to protect their homes.

HARRY WALDER – BUILDING PERMIT REPORT

This was discussed earlier in the meeting.

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HARRY WALDER – SHORT-TERM RENTALS

Lindley said that Harry Walder’s letter stating that the minimum of a 6-night stay was not supported by the public in attendance at a Planning Commission meeting is misleading. She said the Council will take public input on the ordinance. Lindley said that she was taken aback by the word disingenuous in Harry Walder’s letter because there is no one on the Council that would be disingenuous.

KIM WALDER – BEACHES

Beaches were discussed earlier in the meeting.

ADJOURNMENT

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

With no further business, the meeting was adjourned at 11:10 p.m. EST.

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer