

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING (HELD ELECTRONICALLY)
OCTOBER 21, 2020**

CALL TO ORDER

Council President Deborah Lindley called the electronic (virtual) regular council meeting to order at 7:33 p.m. EST.

Lindley read the following information regarding the remote meeting:

This meeting is being held remotely due to the COVID-19 pandemic under Senate Bill 1108 which was recently passed. 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 “audience recognition” 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 Grand Beach, Michigan

Deborah Lindley – Attending remotely from Sevierville, Tennessee

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

Steve Slater - Attending remotely from Grand Beach, Michigan

ADOPT AGENDA

Lindley moved, seconded by Bracewell to adopt the October 21, 2020 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:
 - Regular Council Meeting, September 16, 2020
 - Special Council Meeting, October 7, 2020
- b. Pay Bills with Written Additions

Lindley moved, seconded by O'Halloran to adopt the consent agenda with the removal of the Regular Council Meeting minutes of September 16, 2020 and the Special Council Meeting minutes of October 7, 2020. The only action taken on the consent agenda was to pay the bills with written additions.

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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.

Bracewell raised concerns about the portion of the minutes from September 16, 2020 regarding the Building & Zoning Commissioner report. He said since it is election time, apparently there have been some observations about his statement about the house under construction in Fifteen Acres. He said the owner of the home nailed plywood over holes in the roof and over holes on the side of the house and there was an observation that the house was roofed and sided. He said if that was the interpretation, it was not his intention to say he had roofed or sided the house. Bracewell said the owner doesn't have roofing or siding on, but has a signed contract with a roofing company.

Slater said he doesn't know how changes can be made because he recalls basically what the Clerk wrote in the minutes, and said she needs to go back and listen to the tape again and provide some sort of transcript of the statement. Leonard said the minutes constitute an official record of what was transacted and what was stated at an official meeting. He said editorial comments are not part of the minutes and cannot be added to the minutes. If there is a question of the accuracy of the minutes, he said the clerk should be instructed by the Council to go back and listen to the tape and verify whether the minutes as presented are accurate or have to be edited. Leonard said this is a legal matter and the Council can't go back and change the minutes.

The minutes of the September 16, 2020 Council meeting were tabled for review of the recording.

APPROVE MINUTES OF A SPECIAL COUNCIL MEETING OF OCTOBER 7, 2020

Bracewell said that a rude, inappropriate situation took place at the October 7, 2020 meeting with Village Attorney Sara Senica and he was disappointed that there was no mention made to the inappropriate statement by one of the Council members when the attorney started to explain and teach the Council about the process of special assessments and millages. He said he hopes that other council members did not invite Sara Senica to come so that she could be told they didn't care about history and state law. He said he is not comfortable with that sort of rude, inappropriate behavior directed at a guest invited to educate the Council on special assessments and a millage issue.

Lindley said they say "if you don't pay attention to history, history repeats itself", but she didn't think that meeting was the time to bring it up. She thinks that if the Village hasn't passed a millage in the past, the Council needs to look at what went wrong and they'll get a chance to address that at a work session.

Lindley moved, seconded by Slater to approve the minutes of the Special Council Meeting of October 7, 2020 as presented.

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

COMMISSION REPORTS

BUILDING & ZONING: Bracewell said there were two homeowners doing work on Ely without a permit, and they were stopped and one new owner came in and got a building permit. He said the unfinished home on Oak has changed hands and the new owner has taken out a \$200,000 building permit. He mentioned the outstanding support the Village received from Pete Rahm after he and Bill Lambert convinced the homeowner to sell the unfinished home. He said they are very unhappy with the lack of progress on the house in Fifteen Acres and there are several techniques being explored to help move the project along.

PARKS & BEACHES: Slater said he had nothing new to report since his September report.

STREETS & WATER: Leonard said other than normal activities; he didn't have anything to report. He did want to bring to the attention of the Council members an 8" water main that was installed many, many years ago in the middle of an undeveloped lot without permission from the lot owner who is now deceased. The water main eventually failed and another one was put in on the private property. He said it is time to deed out the property and the Village needs to remove the water main. He spoke with the owner of the lot and let him know that the Village has been accumulating funds for the project, although it might take another year. He said the Village needs to decide where to put the line and will need to obtain permits for the work. He will put together a Memorandum of Understanding to bring back to the Council.

O'Halloran stated that this has been addressed in the past, but not documented. Leonard said that none of the current staff or Council members was involved in this matter.

POLICE: Lindley said that the Chief of Police sent out letters to four owners of properties concerning the condition of their property. Chief Layman said that one on Lake View has taken care of their property and the others have 10 days to respond to the letter.

PRO SHOP & GOLF COURSE: O'Halloran said that with the weather changing, this will be the last week the golf course will be open. He said it has been a very good year and hopefully some of the revenue will be used to replace the flooring in the pro shop. He thanked everyone for their support of the golf course. Lindley said O'Halloran did a great job with the golf course especially with the stumbling blocks of Covid-19 this year.

SERVISCAPE REPORT

Clay Putnam said they have started leaf clean-up on the golf course. The greens and tees have been aerified and top dressed and the fairways will be aerified on October 26. Lindley thanked ServiScape for all of their hard work.

PERSONNEL REPORTS

SUPERINTENDENT: In addition to his written report, Superintendent Bob Dabbs said they are still on target for the golf course and Fifteen Acres drainage project which will start on approximately November 15 and should only take a few weeks. They are looking for someone to help with leaf pick-up.

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POLICE CHIEF: In addition to his written report, Police Chief Ryan Layman said he sent out an emergency information sheet in the water bills and asked everyone to fill it out and return it so that the Village has contact information should there be a need to get in touch with them regarding their home.

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

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

FIREWORKS ORDINANCE

Lindley said that fireworks have always been an issue and are not allowed on public property, beaches and the pier. She said there was a big display off of the pier this year and when she looked into fining the person responsible, she didn't think the ordinance was strong enough. She said there have been fires in the 42 Acres in the past and damage done to the golf course from fireworks. The ordinance was changed not long ago and some of the language was left out. This new ordinance was reviewed by Village Attorney Sara Senica and includes much of the language that was left out before. Lindley read the ordinance which repeals ordinance numbers 2014-85 and 2019-97.

Lindley moved, seconded by Leonard to adopt Fireworks Ordinance Number 2020-99 as presented.

Roll Call Vote

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

Motion carried unanimously 5-0.

METRO ACT EXTENSION

Lindley moved, seconded by Leonard to approve the Metro Act Extension as presented.

Roll Call Vote

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

Motion carried unanimously 5-0.

42 ACRES UPDATE

Lindley said that the Village’s first appraisal of the 42 Acres was \$2,200,000 which was based on the use being residential. The state requires that appraisals be done based on comparable properties and since the 42 Acres is so unique, it is hard to find comparable properties. The state gave the Village an extended time to work this out with Grand Beach Land Development. She said Grand Beach Land Development went into the transaction with good intentions, and good intentions don’t always work out when dealing with the state. The state taxed the Village with contacting the more recent appraiser, Soper and Associates to see if he would raise his appraisal using some of the comparables that the other appraiser, ADAMS and Associates used. Soper said he would be able to raise it if he were given comparables that could help justify the increase. She said she will let him know about a one acre parcel on Riviera Road overlooking the marsh that recently sold for \$1,175,000.

Lindley will be speaking with Ryan Postema of Chikaming Open Lands and said he has additional contacts at the state from working with them on different grants.

Lindley said she is very disappointed with McKenna during this process because the representative does not return her calls and emails, and she will probably have to go to his supervisor as he has several things that he is supposed to do to assist with the remainder of the grant process.

She thanked Grand Beach Land Development for hanging in there throughout the process. She said they will probably have to sit down with them and see if they can come to agreeable terms.

RESOLUTION OF SUPPORT FOR HB 6161

Lindley said that municipalities cannot collect taxes on short term rentals, but if House Bill 6161 is passed, it will allow the Village to charge an excise tax of 1-5% on rental properties. If passed, the tax will come to the Village for its use on recreational facilities.

Lindley moved, seconded by O’Halloran to adopt a resolution of support for HB 6161 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.

LEXIPOL POLICY & PROCEDURES

Lindley said that she sat in on a presentation from Lexipol with Chief Layman, Jamie Flick and the Police Commissioner of Michiana. Chief Layman said that while working on collating the police department’s policy and procedures manual with Flick, it became quite a task since there are about 150 policies that police departments must be in compliance with. He said with Lexipol, officers will have to read policies with daily training and acknowledge that they understand it. This could help if there were ever a lawsuit because the Village would have a record that says the officer received training and understood it. He said the cost would be split with Michiana with the Grand Beach share being \$1,853.25. Layman explained that this will be an ongoing cost, so they will have to see how it works.

Lindley moved, seconded by Bracewell to spend \$1,853.25 to purchase the Lexipol Policy and Procedures with Michiana.

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Roll Call Vote

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

Motion carried unanimously 5-0.

BULLET PROOF VEST PURCHASE

Lindley moved, seconded by Leonard to purchase a bullet proof vest for Jamie Flick at a cost of \$896.

Roll Call Vote

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

Motion carried unanimously 5-0.

DEFINED BENEFIT PLAN ADOPTION AGREEMENT ADDENDUM

Clerk Mary Robertson explained the addendum to the Village's Defined Benefit Plan Adoption Agreement with MERS.

Lindley moved, seconded by Leonard to approve the Defined Benefit Plan Adoption Agreement Addendum.

Roll Call Vote

Blake O'Halloran	Aye
Steve Slater	Aye
James Bracewell	Lost connection to the meeting at 8:59 and was unable to vote on motion, and returned at 9:06.
Paul Leonard	Aye
Deborah Lindley	Aye

Motion carried 4-0.

EMPLOYEE PAY INCREASES

Lindley said the Council set aside 3% for pay increases in the budget. She explained that years ago a couple of golf course employees were being paid above minimum wage, and at some time, their pay was reduced so that they are now only being paid minimum wage. She said these employees have worked a long time and she would like to pay them more than minimum wage.

O'Halloran proposed a "tenure program" for the pro shop employees, and said that he discussed the plan with Pro Shop Manager Don Butler, and he liked the idea. O'Halloran said minimum wage is currently \$9.65. He said by increasing the pay based on the program, it would mean an increase of about \$2,000 for the Village in 2021 and an increase of \$2,100 in 2022. He thinks this is a very fair program.

The hourly wage "tenure program" as suggested by O'Halloran is as follows:

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- \$.25 above minimum wage for tenure of 3 years
- \$.50 above minimum wage for tenure of 6 years
- \$.75 above minimum wage for tenure of 10 years
- \$1.00 above minimum wage for tenure of 15 years

O'Halloran moved, seconded by Leonard to approve the tenure program for the pro shop employees 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.

O'Halloran moved, seconded by Lindley to approve employee pay increases as presented effective November 1, 2020.

O'Halloran said that when he started on the Council eight years ago, he was always questioning pay increases and thought it was a lot of money. He said the Council doesn't just rubber stamp the raises. He said the Village employees are fantastic and do a lot of extra work, and all employees had to do a lot of extra work this year with COVID and he thinks they deserve the increase. He said the Council is very grateful to have the employees that they have and he thinks they deserve the increase.

Leonard said the Council goes through this every year and at no time were they awarding pay raises without thinking through the consequences to the Village. They were always aware that in order to retain good people who do a really good job for the Village, they have to be aware of the market and be willing to pay a market wage, and he said he fully supports the 3% pay raise.

Lindley concurs with what O'Halloran and Leonard said. She said she gets many compliments about the people that work for the Village.

Bracewell said he is in favor of the employee raises as the employees have earned it, year in and year out.

Roll Call Vote

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

Motion carried unanimously 5-0.

WAGE ORDINANCE #46

Lindley said she looked at the wage ordinance and wondered what the purpose was for adopting the ordinance. Clerk Mary Robertson said that this ordinance has been used since she started working for the Village, and thought it was just to make property owners aware of the wages that are paid. She said she doesn't see other municipalities using a wage ordinance. Lindley said she doesn't see adopting this ordinance if there is not a purpose for it, and doesn't see why we are wasting the Clerk's time and money to publish the ordinance each year. This item was tabled.

HEALTH INSURANCE RENEWAL

Clerk Mary Robertson explained to the Council that it is time for the annual health insurance renewal and she received pricing from the insurance agent that included the cost to continue with Blue Cross Blue Shield of Michigan (BCBSM) and a proposal for coverage through Priority Health. Robertson said employees were given the opportunity to send a list of their providers to the agent to be sure that they would be included in Priority Health’s network. All providers with the exception of one durable medical equipment supplier were included in the network. She discussed the differences in coverage between BCBSM and Priority Health stating that skilled nursing care would be reduced from 90 days to 45 days per year with Priority and Durable Medical Equipment coverage would go from 80% to 50% covered with Priority. She said she was assured by the agent that Priority Health is a very good insurance carrier. Robertson said there is a savings of approximately \$7,000 annually by moving to Priority Health.

Leonard was concerned with the reduction in skilled nursing care days.

Slater said he likes health savings accounts (HSA), because they reward employees for being healthy. If the employees don’t use the funds in their HSA, the funds remain with the employee in their account.

Bracewell said that he had experience with 34 employees who had Blue Cross Blue Shield and then moved to another carrier that looked good, but after a year switched back because it wasn’t as good as they expected. He said if it doesn’t work out, the Village can always go back to BCBSM and they might even offer a lower cost to get the Village back as a customer.

O’Halloran said that in their position as Council members, they are to be fiscally responsible and if it is a good plan, it is their responsibility to look to save money where they can.

Lindley agreed that if it doesn’t work out for the employees, the Village can go back to BCBSM.

Slater moved, seconded by Lindley to accept the health insurance proposal from Priority Health.

Roll Call Vote

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

Motion carried unanimously 5-0.

TRANSFER FUNDS TO CAPITAL PROJECTS FUND FY 2019-2020

Lindley moved, seconded by Leonard to transfer \$148,800 from the General Fund to the Capital Projects Fund as budgeted for fiscal year 2019-2020.

Roll Call Vote

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

Motion carried unanimously 5-0.

TRANSFER LOCAL REVENUE SHARING FUNDS TO CAPITAL PROJECTS FUND

Lindley said the Village received the annual payment from the Local Revenue Sharing Fund (LRSB) in the amount of \$22,000 with last year’s check at approximately \$28,000. Bracewell who is the Village’s representative to the LRSB said that the reduction was due to the Casino being closed because of COVID. He said the casino is a tremendous neighbor and sometimes the support from the casino goes on almost unnoticed. He thanked them and said that they have given a lot of money to the community over the last 10 years.

Lindley moved, seconded by Leonard to transfer the Local Revenue Sharing Funds from the General Fund to the Capital Projects Fund in the amount of \$22,087.98 with no specific purpose attached.

Roll Call Vote

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

Motion carried unanimously 5-0.

BUDGET AMENDMENTS

- 1. GENERAL FUND 2020-2021
- 2. GENERAL FUND 2019-2020
- 3. WATER FUND 2019-2020
- 4. GOLF FUND 2019-2020
- 5. MAJOR STREET FUND 2019-2020
- 6. LOCAL STREET FUND 2019-2020
- 7. BUILDING FUND 2019-2020
- 8. CAPITAL PROJECTS FUND 2019-2020

Lindley moved, seconded by Leonard to approve the budget amendments as presented.

Roll Call Vote

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

Motion carried unanimously 5-0.

AUDIENCE RECOGNITION

None

CORRESPONDENCE

JOHN DEANER – TRASH CANS

Lindley said trash cans have been an ongoing discussion with the Council for years. She said she tasked the Planning Commission who is working on the rental ordinance to also include information regarding trash cans, and we’ll see where it goes from there.

KATHLEEN HIGGINS – PARKING, TRASH AND BLOCKING VIEW OF LAKE

O’Halloran said that Kathleen Higgins sent an email asking the Council to act as a mediator. O’Halloran contacted the neighbor regarding Higgins’ concerns and it sounds like there have been negotiations between the two parties regarding cars and golf carts. He said the neighbor will not cut down his trees due to concerns with the dune and erosion, but he is open to trimming the trees to give Higgins a better view of the lake. O’Halloran said he would be glad to work with both parties to come to a solution to make both parties happy.

DIANA MELICHAR – TREE REPLACEMENT

Lindley said this is an ongoing issue and O’Halloran has done a good job with finding money to replace trees on the golf course. She’s not sure if the Council wants to look into an ordinance, but she feels a little uncomfortable with micromanaging what people do with their property, but added that if the Council is interested, they should let her know so it can be added to an agenda. O’Halloran said all of the Council has reviewed this and there is an ordinance in another area which is very complicated, but maybe there is a simpler way to do this. He encourages people to plant trees and said there are a lot of old trees in the Village and a lot of them need attention. He thinks that this is something that the Village should look into. Lindley suggested that Diana Melichar put something in the Breeze to educate people on how trees help with clean air.

ADJOURNMENT

Lindley moved, seconded by Bracewell to adjourn the meeting.

Roll Call Vote

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

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