

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
SEPTEMBER 15, 2021**

CALL TO ORDER

Council President Deborah Lindley called the regular council meeting to order at 7:01 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 Bracewell to adopt the September 15, 2021 agenda as presented. Motion carried unanimously 5-0.

Lindley told the Council that there she would like them to make a decision on whether the Council is going to ask for an increased millage or a special assessment and said that it will be on the October agenda. This will give the Council time to refine our needs and take public input. She said if the Council decides on a millage, the language will be on the November 2022 ballot.

ADOPT CONSENT AGENDA

- a. Approve Village Council Minutes:
 - i. Regular Council Meeting August 18, 2021
- b. Pay Bills with Written Additions

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

PUBLIC COMMENTS ON AGENDA ITEMS

Resident Sue Kramer addressed the Council about clarification of issues in a letter that appeared on the last agenda regarding their concerns with a new home going up at 52106 Lake Park Drive. Lindley suggested scheduling a meeting to discuss the matter in person with her, Building Inspector Bill Lambert and Building Commissioner Jim Bracewell.

PRESENTATIONS/RECOGNITION

None

PUBLIC HEARING

None

COMMISSION REPORTS

BUILDING & ZONING: Bracewell said that the Village sponsored a meeting for the New Buffalo Shoreline Alliance held on September 2 which was well attended. Grand Beach representative Brian Byrnes sent an email to Bracewell stating that there were 16 Grand Beach lakefront owners out of 66 signed up to join the lawsuit against the state, and eight more property owners signed up at the meeting. Byrnes would like to hold another meeting with a Zoom option.

Bracewell said that the Village cut weeds at a property on Rhode Court. He said that the Village Attorney is working with the court system regarding a summons served to allow the Village to move forward in removing heavy equipment from the property. He said residents are frustrated with the condition of the property, and the Council is just as frustrated and the laws are set up to protect the property owner.

Building Inspector Bill Lambert said that there are currently 45 building permits out and another five permits came in today for new houses.

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PARKS & BEACHES: Lindley welcomed newly appointed Council member and Parks & Beaches Commissioner Peter Doerr. Doerr said he has owned a home in Grand Beach for 23 years and moved here permanently last year, and he looks forward to serving on the Council.

He said he needs to form a Parks & Recreation Committee and would like to have a mix of people serve on the committee. If interested, contact him.

STREETS & WATER: Leonard said he has received storm water permit material and it appears to be in order. He said the Village should be in good condition for quite a while regarding storm water runoff.

He said the Village is paying a price with damage to the streets due to all of the new homes and revetment work being done. The Village will continue to patch streets until the construction slows down. He said that he spoke with Superintendent Bob Dabbs and he estimated a cost of \$500,000 to bring the streets back up to par.

Leonard spoke about the need to take care of infrastructure and the expense to do so. He said some of those needs include replacing the water tower, paving streets, replacing the irrigation system on the golf course, updates to Village Hall and the pro shop. He said this is why the Council is talking about a millage increase or a special assessment. He said in the spring the Council will have to have a serious conversation about these things and about maintaining the quality of life in the Village.

POLICE: Lindley said that Assistant Chief Jamie Flick saved the life of a 4 year old girl. She said this is the second time in two years that he has saved a life. She added that a few years ago, we had a group of residents and council member that questioned the cost and value of having our own police force. This incident comes as an intrinsic reminder that can't be measured in having our officers there in minutes to respond to life saving measures. She wants to make people aware that the Council appreciates the officers and thanks them for keeping everyone safe.

PRO SHOP & COURSE: O'Halloran said August has not been a great month, but the golf course is on track to do as well as last year which was a great year in golf. He said the weather plays an important factor in golf, and with the power outage last month and the humidity levels, people didn't want to play golf.

O'Halloran said that he, Don Butler, Clay Putnam and a group of golfers have looked at the trees on the golf course and there is tree work that needs to be done for safety reasons. He would like to set aside the money from the sale of the golf cart fleet to be used for needed tree work. Clay Putnam of ServiScape said they would be able to use some of the funds remaining in their budget for tree work.

SERVISCAPE REPORT

Clay Putnam said routine maintenance has been ongoing. They had two irrigation repairs over the last month. Aerification of the greens and tees is scheduled for the first week in October.

PERSONNEL REPORTS

SUPERINTENDENT: In addition to his written report, Superintendent Bob Dabbs said that he hired Jayson Powell who is doing a great job. He said they will begin patching streets in the next two weeks. They installed drywells on Oak and Calla where there had been problems with flooding. He said loose leaf pickup will begin on November 1. Lindley reminded residents that there is a deadline for leaf pick up.

POLICE CHIEF: In addition to his written report, Police Chief Ryan Layman reported that August was a very busy month, and the officers were answering a lot of calls over the 3 day period with the power outage.

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Chief Layman presented Assistant Chief Flick with a certificate of recognition for saving a life by responding to a call on August 26 for a 4-year old girl who was not breathing. Flick administered CPR, and the little girl has since been released from the hospital.

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

UNFINISHED BUSINESS

42 ACRES UPDATE

Lindley stated that the closing on the 42 Acres was postponed because Mario Ortega needed to submit more forms to the DNR. The original agreement was approved by Village Attorney Sara Senica, but Grand Beach Land Development suggested changes that now have to be reviewed by Sara Senica. The changes weren't anything that would hold up the agreement. After the agreement is reviewed and agreed upon, Mario Ortega will submit it to the DNR, which he thinks will take a week to review and then we'll be ready to close on the purchase.

O'Halloran questioned when a celebration with the newspaper and residents would be held, and he and Lindley thought it might be done in the spring, but it depends on any DNR requirements.

TRASH CAN UPDATE

Lindley said she is having the maintenance crew keep track of the number of cans that need to be moved. She thinks the number will go down in the off season. She said that at some point, they will have to decide which areas are going to be exempt and what type of physical exemptions, if any will be accepted. She said at the March budget meeting, the Council will see if the Village can continue to cover the cost in the budget or if there will be a charge for removing cans. The rules regarding the trash and recycle cans will be included in the spring newsletter.

GENERATOR FOR VILLAGE HALL

Lindley said that the Village received two bids for a generator for the Village Hall. She said the less expensive bid is for a bigger generator. She said she is leery about spending \$60,000 when the Village is going to have to deposit 10% of the cost of the 42 Acres into escrow, and will have to wait for that to be returned after all requirements have been met and a DNR audit is completed. She said that the Village can't do \$60,000 projects that aren't budgeted. The Council discussed the need for a generator, with Bracewell stating that he doesn't see the need when there is a \$5,000,000 building (fire station) across the highway that will serve as a heating and cooling center. O'Halloran was concerned with the possibility of a power failure ruining someone's major event in their life such as a wedding or anniversary party.

O'Halloran moved, seconded by Leonard to purchase a generator from NWI Generator in the amount of \$58,900 with prepayment of \$35,000 as required at time of signing for a generator for the Village Hall. Motion carried 4-1 with Doerr, Leonard, Lindley and O'Halloran voting aye and Bracewell voting nay.

An additional bid for a generator was received from Mead & White in the amount of \$104,860.

RENTAL GOLF CARTS - LEASE

O'Halloran said they sat down with the representative regarding the golf cart lease and decided on green carts and added a sand bucket for the driver's side of the carts which increased the annual cost of the lease by \$166.80.

O'Halloran moved, seconded by Lindley to amend the golf cart lease by \$166.80 annually for a total cost of \$20,586 per year. Motion carried unanimously 5-0.

NEW BUSINESS

COVID PRECAUTIONS

Lindley said the Village will continue to follow CDC and state guidelines related to Covid-19. She said the meeting was being held upstairs for social distancing now that the Social Club events are finished and that masks are required. Lindley said Spectrum Health sent out an email with a video that included information from Berrien County and the State of Michigan and said a new video will probably come out this week. She will make a short 5-10 question study guide to go along with the video and give \$15 gift certificates to those employees and Council members that watch the video and complete the guide questions. She said she contacted Spectrum Health about Covid monies they may have and about developing study guides for municipalities, but she hasn't received a response. She said to educate the employees and Council members it will be worth the \$195.

RESOLUTION – CLOSING DOCUMENTS FOR 42 ACRES PURCHASE

Lindley moved, seconded by Leonard to adopt a resolution to allow Deborah Lindley, or Clerk Mary Robertson in Lindley's absence to execute all closing documents for the purchase of the 42 Acres. Motion carried unanimously 5-0.

42 ACRES SIGN DESIGN

Lindley said that Village received a draft from Mario Ortega of a sign for the 42 Acres and there was an oversight and the sign that the Village puts up will also acknowledge the generous donation of the Grand Beach residents. O'Halloran said he wanted to make sure everyone was aware of the fact that Grand Beach Land Development has agreed to donate 12.66% of the land value to Grand Beach.

TIM PENDERGAST RESIGNATION

Lindley said that sadly Village employee Tim Pendergast has moved on to a new job with salary and benefits that the Village could match. She said as much as we hate to see him go, we are very happy for the opportunity he has. The Council wishes him well in his future endeavor.

HIRE MAINTENANCE DEPARTMENT EMPLOYEE

Lindley moved, seconded by Leonard to hire Jayson Powell at \$20.00 an hour with a 6-month probation period and benefits per Village guidelines. Motion carried unanimously 5-0.

VACATION PAY – DEPUTY CLERK

Lindley said that Deputy Clerk Cheryl Cook who is a part-time employee was given paid Village holidays after a time, but no other benefits. Lindley said with the stress of the Covid culture, Cook asked if she could have a week's paid vacation.

Lindley moved, seconded by Leonard to give Deputy Clerk Cheryl Cook a week's vacation for this year in October and to coordinate the dates with the Village Clerk. Motion carried unanimously 5-0.

SALE OF GOLF CARTS

O'Halloran said that at last month's meeting the Council agreed to lease golf carts in the future and sell the existing fleet of carts. He said the Village received a written offer of \$32,100 from Carts on 12 and an offer of \$23,000 from LanCam for the purchase of the carts.

O'Halloran moved, seconded by Leonard to sell one gas golf cart and 13 electric golf carts with chargers that the Village currently owns for \$32,100 to Carts on 12 and to require a cashier's check for payment one week prior to picking up the carts. Motion carried unanimously 5-0.

SHORT-TERM RENTAL REAL ESTATE ADVERTISEMENT

Lindley said that there was an advertisement that appeared in the Beacher that says "Have you been looking for an

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investment property – here it is” and the home for sale is located in Grand Beach. Lindley said she was very bothered by this and contacted the realtor who has ties to the Village and talked to her about the rental process. She said the realtor told her that she explains this to people that come to see the house. There was Council discussion about this and it was mentioned that the home was advertised as a business opportunity, and that the State of Michigan is trying to take the short-term rentals out of the local municipalities’ hands.

SHORT-TERM RENTAL COMPLAINTS

Lindley told the Council that she wanted them to make a determination on whether the Village continues with the special land use requirement or adopts a short-term rental ordinance. She said there are three homes with complaints and wants to know if the Village should send letters to the homeowners or hold a hearing on these homes.

The Council discussed both the Special Land Use as currently required in the zoning ordinance and an ordinance for short-term rentals. Police Chief Layman told the Council that the police department does not have anything to allow them to enforce occupancy in a house. He said if the police show up at a house with 20 people in it although there is only room for four people, they can’t do anything about it. He said Grand Beach is the only municipality in the south county that doesn’t have a short-term rental ordinance.

After discussion, Lindley directed the Planning Commission to continue to develop the ordinance they have been working on and bring it back to the Council.

Planning Commission Chair Laurie Roche said that short-term rentals have been discussed for a long time and it is time to move forward and she is in favor of a tough ordinance. She said that Planning Commission members Harry Walder and Robert Kegan came up with a great ordinance with a lot of teeth in it. She would also like to establish a minimum rental period.

ELECTRICAL INSPECTOR ORDINANCE NO. 2021-102 – AMEND EFFECTIVE DATE

Clerk-Treasurer Mary Robertson told the Council that the ordinance that was adopted at a previous meeting was not put into effect on September 1 as planned as the electrical inspector for the State of Michigan had resigned and the state was taking weeks to get an inspector out to job sites. She has talked with the state, and they have hired a new employee and he should be trained and out in the field in two months. Robertson suggested amending the effective date of the ordinance to November 15, 2021. In the meantime, the Village will use the New Buffalo Township electrical inspector to fill in. She added that the state will fill in if necessary until they take over full-time on November 15, 2021.

Leonard moved, seconded by Bracewell to amend the effective date of the Electrical Code Inspector Ordinance No. 2021-102 which was adopted on July 21, 2021 to become effective on November 15, 2021. Motion carried unanimously 5-0.

ASSUMED NAME CERTIFICATES

Lindley explained that several years ago a developer was going to put in a development that included Grand Beach in the name. She said at that time former Police Chief Dan Schroeder suggested getting assumed names certificates for 10 names that included Grand Beach in them. The certificates are expiring this month.

Leonard moved, seconded by O’Halloran to file renewal assumed name certificates at \$10 for each for the 10 names presented to the Council. Motion carried unanimously 5-0.

PUBLIC COMMENTS – GENERAL

Village resident Joe Sullivan told the Council that he bought a house on Golfview two years ago. He said they have been harassed by a Village resident, and he feels the resident is wasting the officers’ time about an ordinance that wasn’t enforced with the previous owner.

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Village Resident John Rafkin told the Council that he was recently in Palm Springs and they have a great rental ordinance that he will forward to the Clerk-Treasurer.

CORRESPONDENCE

BOB & SALLY BARNES – LAKE AVENUE BEACH ACCESS

Lindley said there was a letter in the packet from Bob and Sally Barnes. She said that they have talked to Bracewell in the past about their concerns and they will follow up on the letter.

ADJOURNMENT

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

With no further business, the meeting was adjourned at 9:48 p.m. EST.

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer