

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
MAY 18, 2022**

CALL TO ORDER

Council President Deborah Lindley called the regular council meeting to order at 7:08 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 May 18, 2022 agenda as presented. Motion carried unanimously 5-0.

ADOPT CONSENT AGENDA

- a. Approve Village Council Minutes:
 - i. Regular Council Meeting Minutes – April 20, 2022
- b. Hall Rental Requests
 - i. James Bracewell
 - ii. Alice Grim
- c. Pay Bills with Written Additions

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

PUBLIC COMMENTS ON AGENDA ITEMS

The following Village residents addressed the Council during public comment.

Bob MacPherson spoke about the beach access at Walnut and Lake Avenue and revetment work at Walnut.

Yvette Brandes spoke about the beach access at Maple, and cleanup at the Pine and Oak beach access.

Angela Trainor spoke about beach access and revetment work at the Walnut beach access.

Kaye Moriarty asked about the millage rate and said that the Village needs more money.

Kieran McHugh spoke about beach stairs and the bushes that were removed along Grand Beach Road.

Gary Kagan spoke about problems that have been attributed to some of the short-term rental properties.

Vicki McHugh spoke about beaches and fees for short-term rentals.

John Gorny spoke about short-term rentals and the possibility of banning fireworks in Grand Beach.

Michelle Buziak suggested if replacing burning bushes that the Village use Eastern Yahoo Burning Bushes.

Brendan Duffner spoke about short-term rentals and regulations on owners.

Howard Bayer spoke about problems with short-term rentals and said that the ordinance has to be passed.

Chet Buziak spoke about issues with noise related to short-term rentals.

Judith Blackburn spoke about the short-term rental ordinance and the use of sand from job sites to fill crevices on beach.

PUBLIC HEARING

None

PRESENTATIONS/RECOGNITION

None

COMMISSION REPORTS

BUILDING & ZONING: Bracewell said there are 12 homes under construction. He received a complaint that a garage that was torn down and rebuilt exceeds the maximum height limit, but he said that is not true since there will be a breezeway attaching the house to the garage.

PARKS & BEACHES: Doerr said that the Parks and Recreation Committee held it's second meeting on May 3 and discussed beach accesses, regular maintenance of the beach and getting a head start on a new master plan. He said they will have their third meeting on May 25, and they will discuss two coastal resiliency grants. He said that the proposals for the Jensen Court/Lake Avenue access were quite expensive, but the survey will be done.

STREETS & WATER: Leonard said that Village streets have taken a beating over the last several years and are in bad shape. He and Bob have reviewed estimates that have come in to pave specific streets and have narrowed it down to Holiday Hills, Royal Avenue and Grand Beach Road. He said the Village will have to look at millage increases to maintain infrastructure. He said the water system is in good shape and continues to be monitored.

POLICE: Lindley reminded everyone to clean up after their dogs, and said dogs are not allowed on the golf course. She said to enjoy walks with your dogs in the Grand Beach Nature Preserve, and clean up on the trails.

PRO SHOP & COURSE: O'Halloran said rounds of golf were down in April from last April, but the revenue was about the same. He said that some of the trees on the golf course were getting dangerous and were hollow in the middle, so they had to remove them.

SERVISCAPE REPORT

Clay Putnam said the greens and tees have been aerified and top dressed. They had to do a couple of irrigation repairs in the last month. O'Halloran said that each month, ServiScape's report shows a couple of irrigation repairs and that they will include an irrigation system for the golf course in the master plan.

PERSONNEL REPORTS

SUPERINTENDENT: In addition to his written report, Superintendent Bob Dabbs said they will put the stairs in at the Walnut access soon. He said he just had three trees removed near the hall and will need to have the tree near the sidewalk at the arch removed.

POLICE CHIEF: In addition to his written report, Chief Ryan Layman reported there were 30 complaints in April including one drunk driving arrest. He said the property on Rohde Court has been cited and it is in the court system. He is looking forward to "Coffee with a Cop" on June 4 from 11:00 - 1:00 EST. He would like everyone to attend so that he can get to know them.

BUILDING INSPECTOR: Bill Lambert was not in attendance.

UNFINISHED BUSINESS

None

NEW BUSINESS

TRASH & RECYCLE ORDINANCE

Lindley read the proposed trash ordinance. Leonard suggested removing the references to Monday and Friday pickups in case the pickup days are changed. O’Halloran said that while the Village was keeping statistics, we found out that only 10% of residents can’t get their cans moved. He said there are options such as hiring Able Disposal to move cans.

O’Halloran moved, seconded by Leonard to adopt the ordinance in regards to trash receptacles effective July 1 with language changing the days of the week to state the day before and the day after pickup.

The following Village residents addressed the Council regarding the new ordinance.

Chet Buziak told the council that they travel back and forth to Chicago on Sunday afternoons, so the ordinance will cause a problem for them.

John Rafkin said that he has opposed the ordinance for the last year since this has been discussed.

Brendan Duffner thanked the Council for passing the ordinance, and said as a full-time resident, he is concerned with safety issues.

Roll Call Vote

Blake O’Halloran	Aye
Paul Leonard Jr.	Aye
Deborah Lindley	Aye
Peter Doerr	Aye
Jim Bracewell	Aye

Motion carried unanimously 5-0.

SHORT-TERM RENTAL ORDINANCE

Lindley said that Village Attorney Sara Senica reviewed the proposed short-term rental ordinance. She said that she met with Police Chief Ryan Layman to review the ordinance and he suggested making the ordinance effective on January 1, 2023 to allow time to educate people on the ordinance.

Lindley said that we could put the addresses of rentals on our website because everyone wants to know which homes are rented. She thanked Jim Bracewell, Laurie Roche and the Planning Commission who worked so hard on the ordinance.

Leonard read the short-term rental ordinance. There was discussion regarding whether to require a minimum six-night rental period year around. Lindley felt that the 6-night minimum stay should be year around and some Council members felt that the six-night minimum should be changed to allow for two-night minimums for football weekends, and off-season rentals.

Clerk-Treasurer Mary Robertson questioned the language in Section 5.5 regarding the maximum number of occupants and will speak with Attorney Sara Senica to make sure the language is accurate. Robertson made a correction to Section 6.4 to refer to fees enumerated in Section 3.11, rather than Section 3.12.

Planning Commission Chair Laurie Roche said that Grand Beach is the last local municipality to adopt an ordinance, so Grand Beach is getting all of the people who can’t rent and do what they want in other communities.

Regular Council Meeting – May 18, 2022

Planning Commission member Robert Kegan said that he believes there are a lot of rules in the ordinance about not annoying neighbors and things in there for safety purposes. He thinks that having the ordinance take effect on January 1, 2023 is a good idea.

The following Village residents addressed the Council regarding the new ordinance.

Kaye Moriarty said she rents for Memorial and Labor Day weekends, and it will be difficult to rent for a week at a time with no beach.

Angela Trainor said the ordinance needs to be enforced.

Gary Kagan thinks that Memorial Day and Labor Day weekends are high problem weekends and thinks the minimum stay should remain as proposed.

Elaine Bayer said she thinks the ordinance is great, and summers are very busy and noisy in her neighborhood.

Doerr moved, seconded by O'Halloran to approve the ordinance with a change to the minimum night's stay to say a 6-night minimum stay requirement beginning the day after Memorial Day weekend through the day before Labor Day weekend with a 2-night minimum stay requirement at all other times of the year. Motion carried unanimously 5-0.

Doerr moved, seconded by Leonard to approve the short-term rental ordinance as amended effective January 1, 2023. Motion carried unanimously 5-0.

WAIVER OF CLAIMS & INDEMNIFICATION AGREEMENT

Leonard explained that as part of the ordinance and registration, the owner of a short-term rental property would have to execute the Waiver of Claims & Indemnification Agreement to protect the Village.

Leonard moved, seconded by Doerr to approve the Waiver of Claims & Indemnification Agreement and incorporate it by reference into the rental registration that's outlined under the rental ordinance that was adopted. Motion carried unanimously 5-0.

NEW BUFFALO SHORELINE ALLIANCE

Leonard said that Village Attorney Sara Senica told him that she has been in discussions with the attorneys representing the New Buffalo Shoreline Alliance (NBSA) in the lawsuit. He said as far as Sara is concerned, the Village should join the lawsuit, however; because we have to assign our rights to any recovery to the NBSA with the money to be used for studies and the construction of the offshore barriers, she wants to review the agreement. He said if the Village is successful and recovers damages, we get a lot of money because we have a lot of beachfront property, but the money belongs to the residents and we have to be sure that we are getting some benefit in return. Leonard said Sara wants to be sure that the agreement is fair to the Village and protects our fiduciary responsibilities with respect to any damages that we might recover. She said that if the Village joins the lawsuit, we should encourage all lakefront property owners to get involved because if we present a united front against the US government and Army Corps of Engineers, we have more leverage to negotiate a settlement with them. Leonard said what we really want is the ACOE to replenish our beaches as they have done before.

Lindley said the money goes into a trust and she wants to make it very clear to the NBSA that the money will come back to them and if they replenish the beaches, that it comes all the way through Grand Beach because at one time they mentioned stopping at Forest Beach. She said she doesn't think the Village should press the residents to join the lawsuit as it is up to them.

Regular Council Meeting – May 18, 2022

Bracewell asked what the cost will be and Leonard said that the Village is not going to pay anything to the NBSA.

Leonard moved, seconded by Doerr that subject to review and approval of the assignment agreement between the Village of Grand Beach and the NBSA, the Village of Grand Beach intends to join the lawsuit currently pending brought by the NBSA for the property owners that suffered the loss of property caused by the breakwater in New Buffalo including the Village of Grand Beach. Motion carried unanimously 5-0. Leonard said the NBSA will provide the agreement and Sara Senica will review it.

WATER TAP FEE INCREASE

Leonard moved, seconded by O'Halloran to raise the water tap fee from \$3,600 to \$5,000 due to increased costs of materials effective May 19, 2022, and that anyone who is in the process of building a home who has not paid for the water tap fee will be required to pay \$5,000. Lindley disagreed with charging the higher fee to anyone who already has a building permit. Motion carried 4-1 with Bracewell, Doerr, Leonard and O'Halloran voting aye and Lindley voting nay.

REMOVAL OF TREES BY ELECTRIC COMPANY ALONG PERKINS BOULEVARD

Leonard said there is an area on Perkins where trees were removed by the electric company. He said that the Village will put up wooden posts with chain and reflectors along that area to give a visual guide of where you will be on the road.

Lindley moved, seconded by Leonard to install wooden posts with chain and reflectors along an area on Perkins where trees were recently removed by the electric company. Motion carried unanimously 5-0.

TREE REMOVAL FUNDING

Superintendent Bob Dabbs told the Council that he is out of money in the budget for tree removal and he thinks he needs \$10,000 for tree removal.

Leonard moved, seconded by O'Halloran to spend \$10,000 from the salt building funds set aside in Capital Projects for tree removal. Motion carried unanimously 5-0.

RESOLUTION #2022-04 - MDOT GRANT FOR STREET PAVING

Leonard said the Village received a bid from Rieth Riley and Damron Bros. Asphalt for paving of streets. He said that the Village can scrape together \$150,000 in order to ask the state for \$150,000 match in grant funding with no guarantee that we will get it. He said if the Village does get the grant funding, we will be able to pave Holiday Hills, Grand Beach Road and Royal Avenue. He said changes will need to be made if the Village doesn't receive the full \$150,000 grant.

Leonard moved, seconded by O'Halloran to approve grant proposal resolution #2022-04 as presented to pave Holiday Hills Road, Royal Avenue and Grand Beach Road. Motion carried unanimously 5-0.

GOLF COURSE PARKING LOT EXTENSION

The Council discussed the parking lot extension and tabled it.

WALNUT STREET REVETMENT WORK PROPOSAL

Doerr said that the Village received bids from Donkersloot and Sons and another company with a barge, but the second company would not be able to do the work until the end of the year. He said he would recommend Donkersloot, as they will be doing work on the other side of the creek. He said he is also in favor of putting in rock for protection at the Walnut beach access, although Parks and Recreation Committee members are not all in agreement on the rock.

Doerr moved, seconded by Lindley to contract with Donkersloot & Sons to pull the jetty out from the beach at Royal Avenue and to install protective rock at the Walnut beach access in the amount of \$14,572. Motion carried unanimously

Regular Council Meeting – May 18, 2022

5-0. The Village received a bid from Oselka Constructors Co. with a base bid of \$19,400.

WALNUT STREET BEACH STAIRS

Lindley said that Bob Dabbs will build the stairs and install them at the Walnut beach access.

REMOVE SHEET METAL FROM BEACH PROPOSALS

This was included in discussion and the motion for Walnut Street Revetment Work Proposal above.

SAND FOR LAKE AVENUE BEACH ACCESS

Doerr said there is an estimate for sand to fill in at Lake Avenue at a cost of \$3,550. Lindley said that she thinks that if you are putting sand down, you're throwing away money because it is just going to be washed down, but she will support his decision as beach commissioner.

Doerr said he would like to use the funds set aside in Capital Projects for sheet metal removal for all of the beach projects that were just approved. He said there is \$50,000 set aside for this and the total cost of the revetment, sheet metal removal and sand is less than \$20,000.

Doerr moved, seconded by Leonard to approve the bid for sand for the Lake Avenue beach access as presented in the amount of \$3,550 and to use funds set aside in Capital Projects for sheet metal removal for the revetment work, removal of sheet metal and the sand at Lake Avenue. Motion carried unanimously 5-0.

GRAND BEACH NATURE PRESERVE SIGN

Lindley said that she reviewed the wording for the Grand Beach Nature Preserve sign and would like to make one final change to read:

“Grand Beach Nature Preserve, established in 2021 under the leadership of the Grand Beach Village Council, was purchased with grants from the State of Michigan Natural Resources Trust Fund, The Pokagon Fund, with donations from the families of Erich Hamburger, Ernest Mathias, Lawrence Frankle and very generous village residents and other contributors.

Lindley moved, seconded by Leonard to accept the language for the Grand Beach Nature Preserve sign as recommended by Lindley. Motion carried unanimously 5-0.

HSA CONTRIBUTION 2022 – CREO BREWSTER

Lindley moved, seconded by Bracewell to deposit \$2,433.33 into Creo Brewster's health savings account since he was recently added to the Village's health insurance. Motion carried unanimously 5-0.

ADD KATHARINE BUTLER AS SIGNOR ON BANK ACCOUNTS

Lindley moved, seconded by O'Halloran to add Katharine Butler as a signor to the Village bank accounts. Motion carried unanimously 5-0.

VACATION PAY – MARY ROBERTSON

Lindley moved, seconded by Doerr to pay two weeks' vacation pay to Mary Robertson. Motion carried unanimously 5-0.

PUBLIC COMMENTS – GENERAL

Village resident and Grand Beach's representative on the NBSA thanked the Council for putting attention on the NBSA.

CORRESPONDENCE

Lindley said there were three letters sent to the Council.

Regular Council Meeting – May 18, 2022

COLLEEN CASSELL – TRASH CANS

GARY KAGAN – SHORT-TERM RENTALS

MICHAEL O'HALLORAN – TREES & TRASH CANS

ADJOURNMENT

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

With no further business, the meeting was adjourned at 10:58 p.m. EST.

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer