

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
JULY 20, 2022**

CALL TO ORDER

Council President James Bracewell called the regular council meeting to order at 7:00 p.m. EST. Present in addition to Bracewell were Peter Doerr, Deborah Lindley and Blake O'Halloran. Paul Leonard Jr. was not in attendance.

Bracewell told those in attendance that the Village lost two longtime residents recently. He said that Gene Kucharski passed away and a luncheon was held at the hall after his funeral and Eleanor Juby passed away after living in Grand Beach for many years and being very involved in Village activities. He said these losses change the fabric of the Village.

ADOPT AGENDA

Bracewell moved, seconded by Lindley to adopt the July 20, 2022 agenda as presented. Motion carried unanimously 4-0.

ADOPT CONSENT AGENDA

- a. Approve Village Council Minutes:
 - i. Regular Council Meeting Minutes – June 15, 2022
 - ii. Special Council Meeting Minutes – June 28, 2022
- b. Hall Rental Requests
 - i. Barbara Kucharski
 - ii. North Grand Beach Homeowner's Association
- c. Pay Bills with Written Additions

Lindley moved, seconded by O'Halloran to approve the consent agenda for July 20, 2022 as presented. Motion carried unanimously 4-0.

PUBLIC COMMENTS ON AGENDA ITEMS

None

PUBLIC HEARING

None

PRESENTATIONS/RECOGNITION

COMMISSION REPORTS

BUILDING & ZONING: Bracewell said there is a lot of building activity taking place in the Village. He said that he and Bill Lambert had another preliminary meeting with the owners of the property on SkyHi where a new home is proposed to be built and the owners were very willing to make any necessary changes to the plans. Bracewell said the plans have not been turned in yet.

PARKS & BEACHES: Doerr spoke about the following:

- There were cautionary signs put up at the pier and the jetties to warn people not to jump or dive from them.
- Metal pilings were removed at the Royal Avenue beach, although now there are broken off pieces of the metal left in the water from the process. Doerr asked that if you find any pieces to throw them away.
- The rocks were installed at the pumphouse.
- Sand has been put in at the Lake Beach access, but when it rains, it gets washed away and they will have to add more.

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- Doerr and Debbie Lindley met with representatives of Chikaming Open Lands in regards to the agreement the Village has with them for the Grand Beach Nature Preserve for help with maintenance. He said they are very willing to help and this will be part of the Master Plan.
- He spoke with the owners of 47001 Lake View, which is adjacent to the Pine Street Beach access, regarding the beach access and said that they had a slip and slide set up on the access for their personal use.
- He said that on June 27, the owners of 50015 Calla were in the process of installing an irrigation system, sod and a driveway on Village property. The Village has had a title search done which shows the Village is the owner of the property and is in the process of having the property surveyed. He said some of the survey stakes have disappeared, but Merritt Midwest has record of them.

STREETS & WATER: Leonard was not in attendance.

POLICE: Lindley reminded everyone to keep their doors locked and to be aware of scammers. She announced that the ribbon cutting ceremony for the Grand Beach Nature Preserve will be held on Friday, July 22.

PRO SHOP & COURSE: O'Halloran said even though the rounds of golf are down, the revenue is up due to sales of food, accessories, clothing and golf cart rental. He said ServiScape continues to repair the irrigation system which needs to be replaced.

Lindley said that she was concerned with the cost of the lease of the golf carts, but sees that the revenue is up with the rental carts. She said that Pro Shop Manager Don Butler told her that there are a lot of golf cart stickers that haven't been paid for yet. She will have the office send out reminders to those that haven't paid.

SERVISCAPE REPORT

Clay Putnam said seasonal maintenance is ongoing. They repaired three irrigation leaks and replaced the components in five sprinkler heads last month. They have experienced power outages and when that happens, there is no way to get water up to the holding tank and down to the irrigation system. They will be having the booster pump repaired and serviced at an estimated cost of \$8,000 which will come out of ServiScape's budget.

PERSONNEL REPORTS

SUPERINTENDENT: In addition to his written report, Superintendent Bob Dabbs said that they have been very busy. He said they sprayed a chemical on the arch to remove the algae, but the paint is fine. He said after a couple of rains, it should look nice.

POLICE CHIEF: In addition to his written report, Chief Ryan Layman said there were 82 complaints in June. He updated the Council on the lady who recently drove her car across the golf course. She didn't show up for court, so there is a felony warrant out for her. Layman told the Council that Michiana Police Commissioner Rusty Bruesch passed away suddenly.

BUILDING INSPECTOR: Bill Lambert was not in attendance.

UNFINISHED BUSINESS

None

NEW BUSINESS

MASTER PLAN UPDATE

Bracewell said that Planning Commissioner Chair Laurie Roche submitted an email, and said that the Planning Commission has agreed to review and update the Master Plan. Bracewell said that we need to get costs for a Master Plan. Doerr said that he will look into available grants for the Master Plan.

RESOLUTION TO REQUEST MICHIGAN MUNICIPAL LEAGUE INVOLVEMENT

Bracewell said there may be funds and support available from the Michigan Municipal League for the appeal in the lawsuit that was filed against New Buffalo Township for the special assessment district that the Village of Grand Beach and the Village of Michiana are appealing. He said the Village is contesting one-third of the cost since the Village has its own police department, but does need ambulance and fire coverage.

Bracewell moved, seconded by Lindley to approve and sign resolution #2022-05 as presented. Motion carried unanimously 4-0.

Doerr stated that New Buffalo Township will have a millage request for the parks department on the August 2, 2022 ballot.

NEW BUFFALO SHORELINE ALLIANCE JOINT PROSECUTION & RETENTION AGREEMENTS

Bracewell explained that the Village is currently involved in two lawsuits, one is with New Buffalo Township regarding the special assessment and the second is with New Buffalo Shoreline Alliance (NBSA) in a taking's lawsuit that has been filed. He said Grand Beach residents and the Village have spent a tremendous amount of money protecting property and beach accesses. Bracewell said that Paul Leonard, who has been very involved with the New Buffalo Shoreline Alliance, feels that if the suit is successful, Grand Beach will be protected.

Bracewell moved, seconded by Doerr to approve and sign the Joint Prosecution Agreement and Retention Agreement to be included in the lawsuit filed by New Buffalo Shoreline Alliance. Motion carried unanimously 4-0.

BEACH ACCESS LICENSE AGREEMENT

Bracewell said that Doerr did a lot of work and communicated with the Village Attorney regarding three documents. Doerr said that there is a letter included in the packet to be sent to the homeowners who are adjacent to the beach accesses to let them know what is going on. He said there is also a license agreement which basically says the Village needs indemnification for any encroachment on Village property.

Doerr moved, seconded by Lindley to agree to send a letter to property owners next to the beach accesses regarding property encroachments, and the license agreement which puts down on paper what is and isn't allowed, if they happen to have encroachments now or in the future. Motion carried unanimously 4-0. O'Halloran said that some of the wording might need to be changed in the letter to be more direct to state that you need to sign the agreement. Doerr will work with Village Attorney Sara Senica to add language to the letter.

BEACH ACCESS RELEASE AND HOLD HARMLESS AGREEMENT

Doerr said that the Beach Access Release and Hold Harmless agreement is to be used when people use the Village access for work on a home or property, and will go to the contractor who has equipment on the access. There was discussion among Council members regarding the amount of the fee to be charged when using an access.

Doerr moved, seconded by Bracewell to approve the new Release and Hold Harmless agreement for contractors who are using Village land and to charge a \$100 fee. Motion carried unanimously 4-0.

SAND DONATIONS

Doerr said there is a simple letter to be added to the building permit application packets to let people know that the Village would like to keep their sand that is removed while doing construction. He said that the Village would like to get as much sand as possible, and that typically, the contractor will tell the property owner that they will haul the sand away and then end up selling it for a high price.

The letter says that Superintendent Bob Dabbs should be contacted to see if he is interested in the sand. Clerk-Treasurer Mary Robertson said that she will add the sand donation letter to the building permit application packets.

MERS ACTUARY VALUATION REPORT 12/31/21

Bracewell said that the Village has received the MERS Actuary Valuation report for December 31, 2021 and the contributions and payments are in excellent shape. He said the Village paid an additional \$11,500 in to MERS last year and the pension plan is now funded at 105%, with plans to make another \$11,500 contribution this year. Lindley questioned why the Council would make another \$11,500 contribution when the plan is already funded at 105%, adding that the Council should evaluate the plan before making the additional contribution.

Bracewell moved, seconded by O'Halloran to continue to contribute 6.72% of the payroll to MERS effective November 1, 2023. Motion carried unanimously 4-0.

LOCAL REVENUE SHARING BOARD ACTUAL SPECIFIC COSTS

Bracewell explained that according to the compact with the Pokagon Band of Indians who operate the Four Winds Casino and the State of Michigan, if the Village has any specific actual costs related to the casino, we submit a request for reimbursement. He said the Village has never submitted a request because we haven't had any actual specific costs.

WILDWOOD/ELY WATER LINE RELOCATION PROPOSALS

Bracewell said that bids were opened last week for the water line relocation. He said the Village received two bids, with the lowest bid in the amount of \$69,410 to move water lines that were installed on private property. The completion date of the project is August 1, 2023 due to the difficulty in getting the necessary materials for the project.

Bracewell moved, seconded by Lindley to accept the bid recommended by Merritt Midwest from Paul Oselka of Pajay, Inc. in the amount of \$69,410 with a completion date of August 1, 2023 or sooner. Motion carried unanimously 4-0.

PUBLIC COMMENTS - GENERAL

The Council heard comments from Village residents Lance Rezny and Michael Barton Jr. regarding the need for speed bumps in his neighborhood.

CORRESPONDENCE

MICHAEL BARTON JR. – SPEED BUMPS

Bracewell said the Council received letters from Michael Barton Jr., Bill Callaghan Jr., Michael Moore and Lance Rezny requesting speed bumps in their neighborhood. Doerr was concerned that there will be calls every month for speed bumps if approved. Lindley said that there was a request turned down last month, and the Village gets complaints about the speed bumps often. When asked what his opinion on the speed bumps requested for this area was, Police Chief Ryan Layman said he likes the idea of speed bumps in this area. He said they've had a lot of calls about this and they can't be there at all times to watch for speeders. He added that he could not find a safe location to place the speed bumps that were requested and denied last month for Station Road.

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O'Halloran moved, seconded by Doerr to put speed bumps in at two locations on Robin Lane with the residents paying for them. Motion carried 3-1 with Bracewell, Doerr and O'Halloran voting aye and Lindley voting nay. The Council mentioned that the speed bumps will be removed for the season when they are removed in front of the park.

BILL CALLAGHAN JR. – SPEED BUMPS/STOP SIGN

PAT JOYCE – SHORT-TERM RENTAL ORDINANCE

Bracewell said the Council received a detailed letter from Patricia Joyce about short-term rentals. He said he will turn the letter over to Police Chief Ryan Layman who will be the compliance officer for the short-term rentals. Layman is the compliance officer in the Village of Michiana.

MICHAEL MOORE – SPEED BUMPS/STOP SIGN

LANCE REZNY – SPEED BUMPS

ADJOURNMENT

O'Halloran moved, seconded by Doerr to adjourn the meeting. Motion carried unanimously 4-0.

With no further business, the meeting was adjourned at 8:42 p.m. EST.

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer