

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
JANUARY 19, 2022**

CALL TO ORDER

Council President Deborah Lindley called the regular council meeting to order at 7:05 p.m. EST in the upper level of the Village Hall. Present in addition to Lindley were James Bracewell, Peter Doerr and Blake O'Halloran. Paul Leonard was not in attendance at the meeting, but was in attendance via Zoom.

ADOPT AGENDA

Lindley moved, seconded by O'Halloran to adopt the January 19, 2022 agenda as presented. Motion carried unanimously 4-0.

ADOPT CONSENT AGENDA

- a. Approve Village Council Minutes:
 - i. Regular Council Meeting December 15, 2021
- b. Pay Bills with Written Additions

Lindley moved, seconded by O'Halloran to remove item b. "Pay Bills with Written Additions" from the consent agenda. Motion carried unanimously 4-0.

Lindley moved, seconded by O'Halloran to approve the consent agenda with the removal of "Pay Bills with Written Additions". Motion carried unanimously 4-0.

O'Halloran questioned Superintendent Bob Dabbs about repair bills for the leaf collection unit and whether the unit was getting to the end of its useful life. Dabbs said that the unit has a John Deere engine which will run forever, but the other components of the unit are starting to cause problems. He said that he will probably need to look for a new unit in the future.

Lindley moved, seconded by Doerr to pay the bills with written additions as presented. Motion carried unanimously 4-0.

PUBLIC COMMENTS ON AGENDA ITEMS

None

PRESENTATIONS/RECOGNITION

VERNON DAN SCHROEDER – FORMER CHIEF OF POLICE

Lindley stated that former Police Chief Dan Schroeder was injured in 2019, and it's hard to believe it has been three years already. She said that the Council wanted to have a reception in recognition of Dan's service, but with Dan's recuperation and Covid, we weren't able to accomplish that. Dan Schroeder was present on Zoom. Lindley presented a plaque that will be given to Schroeder thanking him for over 40 years of service to the Village. She said he started out working here at a young age on the golf course, watering it with hoses back then and then held numerous other jobs before becoming a police officer and then Chief of Police. Council members thanked Schroeder for his years of service in Grand Beach. Lindley said she hopes that as Dan heals and Covid slows down that the Council will be able to have a reception in his honor.

Schroeder thanked the council and staff that he worked with over the years, stating that there was rarely a time that he didn't want to come to work over his many years because he enjoyed it so much.

PUBLIC HEARING

None

COMMISSION REPORTS

BUILDING & ZONING: Bracewell said he was able to get the crew that cleared the lots at Maple and Lake View to come and clean up the lot, and the owner should be applying for a building permit soon. He said there was a complaint regarding a fence being constructed on Village property. They immediately obtained the property survey and had the fence posts that were installed on Village property removed by the fence company. He said that he attended a meeting that was held with Nick Margaritis of the Berrien County Health Department in regards to a garage to be rebuilt on Lake View and a problem with the septic system. There have since been plans to reduce the size of the garage in order to accommodate a septic system, and the project will move forward. He said in regards to the Hunter property, there has been a court order giving Mr. Hunter 30 days from the date of the order to remove all equipment and clean up the property or the Village can have it removed and clean up the property. He said there was a lot cleared on Crescent Road, and the Village has drawings for the new home that will be built on the property. Bracewell read a section of the Zoning Ordinance that prevents trees from being removed on vacant property without a zoning permit issued by the Zoning Administrator. Bracewell said there are currently nine new homes on the building report with more new homes on the way.

Lindley asked if the tree removal contractor that cleared the lot on Crescent was the same one that cleared the lots on Lake View that Bill Lambert had instructed not to clear a lot again without a building permit. Lambert said it was the same contractor and Lindley said she will speak with the Village attorney to see if the Village can issue a citation or give him a warning that if it happens again, he will not be allowed to work in the Village.

Lindley said that she learned in the meeting with Nick Margaritis that septic system sizes are based on the number of bedrooms in a home and some people are using other rooms for sleeping purposes and therefore the septic system is not the correct size to accommodate the additional people.

There was discussion regarding how Building Inspector Bill Lambert evaluates tree removal with site plans.

PARKS & BEACHES: Doerr said that the Parks & Recreation Committee met last Thursday and heard thoughts from Bill McLinden who is working on a house near the Pine Street beach access on how he could help shore up the access point eventually. Doerr said that the committee thinks it would be prudent to have a master plan revision incorporating the parks, beaches, 42 Acres and golf course. They talked about walking paths and dog parks and things that the Village has not had before.

He said that he and Harry Walder are involved in the Coastal Leadership Academy which covers communities in Berrien, Van Buren and Allegan counties covering 81 miles of shoreline. He said interestingly, Grand Beach is the only lakeshore community that has seawalls and revetment along the shoreline and the only community that thinks of itself as having a public beach.

STREETS & WATER: Leonard stated that Joe Farwell has worked on the language for the Ely water loop easement and he is comfortable with the language. Leonard would like the Council's approval to send the document to Attorney Sara Senica to review the language followed by execution by the Council and then back to Joe Farwell for approval. He said there are three easements involved and it will be up to the attorney to decide if she can do one easement for all three or will have to do three separate documents. He said the easement document protects the family and property owners and puts the risk on the Village to do the work properly and to maintain the water lines.

POLICE: Lindley said she gets a report each year from Police Chief Ryan Layman and she is surprised at some of the calls that the officers respond to including deaths and mental health illness. She does not share the reports with others. She thanked the officers for the great job that they do for the Village. She reminded everyone to keep garage doors closed and doors locked.

PRO SHOP & COURSE: O'Halloran said that there is winter maintenance and tree cutting taking place on the golf course.

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He said that they implemented a tree program and it's now in its third year, it is expensive, but necessary. He said the Golf Committee has not met recently, but one of the things they have talked about is irrigation. He said the Village needs to keep the grasses and even the woods irrigated. He said that he thinks it is imperative to look at the master plan and have a complete review of golf, parks and beaches for the next 10 years.

SERVISCAPE REPORT

Clay Putnam said that leaf clean up is complete, greens have been treated for snow mold and the winter tree work is underway. Lindley said that in the future before she approves putting anything on the agenda regarding tree removal, that the trees are marked so that the Council can see which trees are being considered for trimming or removal.

PERSONNEL REPORTS

SUPERINTENDENT: In addition to his written report, Superintendent Bob Dabbs said that the leaf unit is running but when there is snow on top of the leaves, they cannot use the machine as the frozen leaves will damage it, so they use the front-end loader to pick up leaves if they are not plowing. He is looking into extending the wall and electrical work for the chargers for the golf carts. He said they got prices on the lumber for the wall and the materials are approximately \$4,000, and he estimates that the electrical will cost between \$2,000 and \$3,000.

POLICE CHIEF: Assistant Police Chief Jamie Flick reported that there were 53 complaints in December which was up from the prior year. He reminded people to keep their garage doors and other doors closed even if you walk away for just a minute as a leaf blower was recently taken from a home.

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

UNFINISHED BUSINESS

MERRITT MIDWEST INC. – WILDWOOD – ELY AVENUE LOOP

Lindley asked Leonard what will protect the Village in the easement document, stating that she is concerned with putting a water line 7' from a foundation and worries that there may be problems later with the next owner. Leonard said it is the Village's problem and there is a risk involved for the Village. Lindley said she wants to make sure there is no liability in the future and will address it with Village Attorney Sara Senica.

O'Halloran moved, seconded by Doerr to send the Merritt Midwest paperwork and the document that Joe Farwell and Paul Leonard have been working on to Village Attorney Sara Senica for review. Motion carried unanimously 4-0.

Joe Farwell told the Council that the EGLE permit for the project takes three months, and that will be the next step in order to keep things moving along.

NEW BUSINESS

LETTER FOR BUILDING PERMIT PACKET REGARDING REMOVING TREES AND DONATING SAND

Lindley said that she believes that a permit for tree removal needs to be posted on the property so that if the police officers see someone working without a permit, they can stop them. She said she would like to add a letter to the building permit packet that includes information regarding tree removal, requesting permission to use beach access points and variances. She said she recently found out that contractors are not allowed to remove sand from the Village. She would like to add a letter to the packet regarding donations of sand to the Village from property owners who are building homes and have no use for the sand. Building Commissioner Bracewell said that he and Building Inspector Bill Lambert will draw up a letter for the building permit packets.

DEPUTY CLERK POSITION

Clerk Mary Robertson told the Council that she had advertised the part-time deputy clerk position in local newspapers, on the Michigan Municipal League website and sent the job posting out to the local clerks, but has not received any applicants. She said that she thinks part of the reason is the current job market and that many people are not willing to go to work at this time, and that it is a part-time position with no benefits. She told the Council that they might want to consider making this a full-time position. O’Halloran said that he thinks it is a good idea to hire a full-time employee so that Robertson can train that person to move up into the Clerk’s position whenever Robertson is ready for retirement.

Lindley moved, seconded by O’Halloran to hire a full-time deputy clerk with benefits at \$17.00 an hour. Motion carried unanimously 4-0.

DISCUSS LIST OF PROJECTS FOR MILLAGE INCREASE

Lindley said the Council needs to make a decision on how many mills they will ask for on the ballot proposal and the number of years for the millage increase. She said that the millage proposal could be put on the August or November ballot, but after discussion felt that November would be a better time in order to have the summer for the Council to promote it to residents. She said she wants a solid list of what everyone needs and the cost associated with it. This item will be included on the February agenda. O’Halloran asked Council members to add to the list and forward it to Clerk Mary Robertson in order to get it out in the packets for the February meeting.

TREE REMOVAL UPDATE

Lindley said that the Council agreed to have three trees removed on a private property to benefit the golf course. She said Village Attorney Sara Senica created an agreement that needed to be signed by the property owner and notarized and that the property owner would also need to sign the contract with the tree contractor regarding the trees to be removed on his property. She said when Clerk Mary Robertson received it, it wasn’t notarized and the contract with the contractor had not been signed.

Lindley said the property owner has to sign the agreement with a notary or an agreement without a notary and also has to sign the contract with the tree contractor or the Village will not pay to have the trees removed.

O’Halloran stated that he wanted to make it clear that he went to the resident and asked to cut down the trees for the benefit of the golf course. He said after much discussion, the property owner signed the agreement, but he didn’t want to because he doesn’t like the way he has been treated. O’Halloran said he will do what he can, but he’s not sure that he will sign everything.

TRASH CANS

Lindley said that the Council needs to have a decision made regarding the trash cans in order to send it out in the spring newsletter. She said that it has gone pretty well over the summer and the Village was able to absorb the costs of moving the cans because there was \$10,000 budgeted for beach clean up that was used for trash can removal. She would like to make a decision on if there will be a cost to homeowners and if so, how much and the times that cans are allowed to be left out.

PRO SHOP FLOORING PROPOSALS

O’Halloran said that he obtained bids from two reputable flooring companies to replace the flooring in the pro shops and hallways. He said the bids were very close and both companies will remove the tile and install new flooring.

O’Halloran moved, seconded by Lindley to contract with Carpet Town in the amount of \$11,575.10 to replace the flooring in the pro shop. Motion carried unanimously 4-0. The other bid was received from Tudor Floors & More in the amount of \$11,710.26.

There was discussion concerning the floors in the restrooms and if they should be repainted. O'Halloran said that maybe we can get a price from Carpet Town to see what they would charge to repaint the bathroom. Bracewell said that maybe we could discuss this with Superintendent Bob Dabbs to see if they could paint the floors. O'Halloran mentioned a self-leveling product that is being used on garage floors. Lindley asked Bracewell to get prices for carpeting in the Council room and office.

PRO SHOP COUNTERTOP PROPOSALS

O'Halloran said that he didn't have any written bids to replace the countertops in the pro shop, but did get an oral bid of \$20,000, but he was not sure that he could have it completed by April 1. O'Halloran said he wants the cabinetry to be on locking rollers so that it can be moved in order to store golf carts in the pro shop over the winters. He will continue to look for someone that can do the job.

BERRIEN COUNTY MASTER PLAN SURVEY QUESTIONS

O'Halloran said he felt that there were only a couple of questions that pertained to the Village on the Berrien County Master Plan survey. It was suggested that Council members fill in the survey and get it back to Clerk Mary Robertson by January 26 in order to get it back to the county before the January 31 deadline.

BUDGET AMENDMENT - GENERAL FUND FY 2021-2022

Lindley moved, seconded by Bracewell to approve the budget amendment for the General Fund for fiscal year 2021-2022 as presented. Motion carried unanimously 4-0.

PUBLIC COMMENTS - GENERAL

Frank Giglio asked about the bicycle path and was told by Doerr that the bicycle path is coming down Grand Beach Road regardless of whether anyone wants it. Lindley explained that there will be an off-road path coming from Indiana to Oak Street and at that point, the bicyclists will ride along Grand Beach Road and up and over the railroad crossing to continue on the path. She said that if the Village decides to approve the bicycle path continuing down Grand Beach Road to the railroad crossing that Marcy Hamilton of the Southwest Michigan Planning Commission said that they have the funding to pay for it and New Buffalo Township would maintain it.

Ed Brandes said that he didn't think that the Village would not legally be able to ticket the contractor for removing trees without a permit, but suggested checking with the Village attorney. He thanked everyone for their service on the Council.

CORRESPONDENCE

TRICIA STEWART – TREE REMOVAL

O'Halloran said that they made a mistake and the Stewarts were very cordial to him and Clay Putnam in regards to meeting them onsite. He said there was a big tree in question that was going to be removed, but when he went to look at the tree, he realized that four trees that were smaller had been taken down from private property and they shouldn't have been taken down. They worked out a resolution with the Stewarts to keep the big tree and take a few branches off. He said he was very apologetic to the Stewards. He said in the future, anytime there is a question of whether the trees are on private property or on the golf course, they will meet with the property owner to confirm the location of the tree and they will mark the trees so people have time in advance to see them. He doesn't foresee this happening again because they already looked at number two and he doesn't see any necessary tree work on three. He assured the Stewarts that this will never happen again, and apologized to them.

Tricia Stewart said that they had a good cordial conversation and Clay Putnam suggested getting replacement Hemlock trees to provide privacy. O'Halloran said the Stewarts should take some time and decide what they would like to do and

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let them know. He said that Clay will be covering this out of the ServiScape budget and the trees will be planted in the spring.

ADJOURNMENT

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

With no further business, the meeting was adjourned at 9:28 p.m. EST.

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer