

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
AUGUST 15, 2018**

CALL TO ORDER

Council president Paul Leonard Jr. called the regular council meeting to order at 7:32 p.m. EST. Present in addition to Leonard were James Bracewell, Frank Giglio, Deborah Lindley and Blake O'Halloran.

ADOPT AGENDA

O'Halloran moved, seconded by Lindley to move the "Closed Session" up to the top of the agenda and add "Hall Rental Request – Susan Faul, September 22, 2018" to New Business and adopt the August 15, 2018 agenda as amended. Motion carried unanimously 5-0.

APPROVE MINUTES

Giglio moved, seconded by O'Halloran to approve the minutes of the Regular Council Meeting of July 18, 2018 as presented. Motion carried unanimously 5-0.

PRESENTATIONS/RECOGNITION

None

CLOSED SESSION UNDER SECTION 8(H) OF THE MICHIGAN OPEN MEETINGS ACT TO CONSIDER ATTORNEY-CLIENT PRIVILEGED MATERIAL

Leonard moved, seconded by O'Halloran to go into closed session at 7:34 p.m. EST under section 8(H) of the Michigan Open Meetings Act to consider attorney-client privileged material.

Roll Call

Bracewell	Aye
Giglio	Aye
Leonard	Aye
Lindley	Aye
O'Halloran	Aye

Motion carried unanimously 5-0.

Bracewell moved, seconded by O'Halloran to return to the public meeting at 7:48 p.m. EST. Motion carried unanimously 5-0.

Leonard moved, seconded by O'Halloran to approve a consent judgment which settles litigation involving the Village of Grand Beach at no cost to the Village and results in the dismissal of all claims to the Village and authorizes Paul Leonard to sign the Consent Judgment on behalf of the Village Council. Motion carried unanimously 5-0

COMMISSION REPORTS

BUILDING & ZONING: Bracewell reported there are six new homes under construction.

PARKS & BEACHES: Giglio reported that there is still a little beach at the pier and Walnut. Leonard added that he was notified that where White Creek flows out into the lake it seems to be eating into the foundation of the pier after the direction of the creek was changed. He asked Superintendent Bob Dabbs and his crew to take a look at it.

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STREETS & WATER: Leonard had nothing to report.

POLICE: Lindley reminded residents to lock their cars as change has been stolen from cars recently. She has heard comments that the meetings have been out of hand, so she read part of the Rules of Procedures and the Open Forum Policy that is included on each meeting notice as a reminder to audience members.

PRO SHOP & GOLF COURSE: O'Halloran reported that July revenue was equal to last July. There has been damage and vandalism to the Golf Course at night and he asked that children and grandchildren be reminded that carts aren't allowed on the course after dark and it is not a place to play.

SERVISCAPE REPORT

Clay Putnam reported that there have been a few additional irrigation repairs and daily maintenance is ongoing.

PERSONNEL REPORTS

SUPERINTENDENT: Bob Dabbs reported that they recently sealed the basketball court and a lot of people are asking that the court be striped for pickleball at the time they stripe it for basketball. The council directed Dabbs to have it striped for both basketball and pickleball.

POLICE CHIEF: Police Chief Dan Schroeder told the audience that if they need to call 9-1-1 from a cell phone they should tell the dispatcher that they are in Michigan because there have been a couple of instances where the call was relayed to LaPorte County and that uses up precious time. He said there is a fix taking place, but it won't be ready for a year or so. The Council directed Schroeder to contact Berrien County to find out why the fix is going to take so long.

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

BILLS TO BE PAID

O'Halloran moved, seconded by Lindley to approve the payment of the bills with the written additions as presented. Motion carried unanimously 5-0.

UNFINISHED BUSINESS

MARQUETTE GREENWAY

Leonard said he hasn't said much about the proposed bike path because it wasn't his job to speak as a proponent or opponent, but feels it is time to talk as a Council member and as a resident cyclist. The question being presented to the Council is whether the Council would grant an easement or permit for a trail off of Grand Beach Road. He said if he comes out of the arch on his bike and turns right, it is a 60 second ride to the Village limit, and if he goes left, it takes about 30 seconds to get to US 12. He doesn't see the need to take down any trees or give up any of the Village's land for the bike path because he doesn't see a need or a benefit for it. It makes no sense to him to grant an easement. He said if our neighbors to the North decide to open up their private streets to New Buffalo, then we have a different question to deal with.

O'Halloran doesn't think the Council has to make decisions today, but will have to make decisions someday. He thinks the Marquette Greenway is a little premature because they don't have the funding in place and some people have brought up good points. He said if in fact they do bring a bike path from

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Chicago to the state line, he doesn't think people will be happy about the volume of bikers on Grand Beach Road or the number of cyclists going in and out to US 12. He thinks that there could be a need at that time to alleviate some of the congestion between the bikers and vehicles. He doesn't think we have to give property away, and he thinks we can work with someone to make this as safe as possible. He said if it makes it to the Michigan border, we will need to have another discussion.

Lindley said in the beginning she was not very much in favor of the bike path, but at the first public meeting there were so many people that spoke in favor of it. She's disappointed that the Village did not send out the survey that was supposed to go out. Leonard said he pulled the survey because he was asked to consider a more fundamental question than the actual placement of the path and the survey was premised on the assumption that there would be an access point at the far end of the Village and going through Forest Beach, Warwick Shores and into New Buffalo.

She said the Village needs to keep the Village safe and she has concerns with having that many people riding down Grand Beach Road. She doesn't think we have to give the land away permanently and there can be conditions attached to it. She thinks the traffic is going to be bad coming in past the arches, and there is no way that she would ever want any bike traffic to come through the village. She thinks it is too early to vote and the Council has time to consider this, and even if the Council votes tonight, they will have to address it again in the future.

Bracewell said he thinks it is important to allow various council members to speak. He thinks that no is no at this time.

Giglio thinks the path should run along the Amtrak and US 12 on the inside of the utility poles from the Michiana Shores access, down US 12 and on the Amtrak easement all the way to New Buffalo, or go on the other side of the bushes on Grand Beach Road along the Amtrak easement through Forest Beach without damaging any bushes or trees. He said people say you can't talk to Amtrak, but he called the Mayor of Calumet City and asked her about their bike path. She said they have a great path that runs 200 miles into Wisconsin, but said they had a little trouble with Amtrak, and in the end, they gave them the necessary easement.

Leonard made a motion which was amended after comments from the public.

Council heard comments from:

Howard Bayer, E. Arnold Ave.
George Connelly, Perkins Blvd.
Frank Dolan, Arnold Ave.
Bendan Duffner, Anna Livia Way
John Gorny, Lake Park Dr.
Robert Keegan, W. McKean Ave.
Mike Lindley, Hicks Ave.
Mike O'Halloran, Marjeanette Ave.
Joe Reinert, Putters Ln.
Lance Rezny, E. Arnold Ave.
Steve Slater, Reitz Pl.
Celine Walles, Howard Ave.

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Comments included:

Disappointment in not sending out the survey. Council has an opportunity to make up a better survey and to do their due diligence and get questions answered before making a decision.

Grand Beach should not make a decision until they know what Forest Beach's decision is.

Grand Beach Preservation Council was formed the day after the last Council meeting for the concern of relinquishing rights to Village property. The group turned in a petition and emails to the Council from approximately 100 people that support their position in not giving an easement for the Marquette Greenway.

Why can't the inner road be used as a bike path at no expense to anyone since there is little traffic and drivers would give respect to bikers.

Agrees that giving an easement or not giving an easement is a premature question to be voted on because there is a lot of data to collect and a lot of questions to be answered. This is not only a bike path. It will also be used by walkers and joggers.

There was a Master Plan completed in 2009 and 60% of residents responded to a survey and made over 200 comments. Encouraged everyone to review it. Two top priorities were planning with other communities and Berrien County and creating greenways and non-motorized connections between neighborhoods. In 2009, that was what the Village wanted, and we can move towards one of the priorities in the master plan by putting in the Marquette Greenway and maybe they'll pay for it.

Lived at the end of a bike path in Illinois for 35 years, and it was not a bad thing and didn't have a hard time selling his house, but thinks we should ask that the Marquette Greenway be built along the highway.

Is concerned that cyclists will be listening to music with earbuds and won't pay attention as they crisscross back and forth across Grand Beach Road.

It seems that any easement that is given might not be in the form of perpetuity and it could be given with conditions such as maintenance attached to it. We should have a right to inspect it and if they are failing with what was promised, take it away.

Why open a bike path up to the world?

Concerned with the number of trees that would be removed, and wonders how peace and quiet will be affected after trees are removed along railroad tracks. How many cyclists will come through each day?

By taking down all of the trees for the Marquette Greenway, it is taking away the rural feeling that they moved here for. How many people will venture off the bike path and use the Village beaches?

Putting bike signs to divert bike traffic into the Village is not a good idea for safety reasons since this is an open, social community. Asked Council to talk to the Police Chief and look closer at the safety aspects of sending bicyclists through the Village.

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Leonard moved, seconded by Bracewell to approve an amended motion to deny granting an easement for the use of Village property from the south Village limit to the north Village limit for an off road bike path.

Roll Call Vote

James Bracewell	Aye
Frank Giglio	Aye
Paul Leonard Jr.	Aye
Deborah Lindley	Aye
Blake O'Halloran	Nay

Motion carried 4-1.

Leonard recessed the meeting at 9:00 p.m. EST and the meeting reconvened at 9:10 p.m. EST.

NEW BUSINESS

ABONMARCHÉ ENGINEERING REPORT - PUMPHOUSE & DRAINAGE PIPE ON RIDGE ROAD

Leonard said that Bob Dabbs wanted to discuss the Abonmarché proposal and get DEQ permits started for the project. Given the scope of the project and the cost of almost \$500,000, they think it would be a good idea to talk to others regarding how we can protect the pump house and the drainage pipe. He said the Council will get proposals from two companies that have done a lot of work like this in the Village.

O'Halloran said it is time to protect the pump house because you can see the erosion that is taking place out there. The protection needs to be addressed soon and the Council needs to try to find alternative solutions for this because \$500,000 is not the solution.

DONKERSLOOT PROPOSAL – LAKE PARK & STRAUSS

Leonard said Arie Donkersloot is working on the Dyson property and is ready to put in rock at the unused Village access next to their property. Giglio moved, seconded by Bracewell to approve the proposal from Donkersloot & Sons to place revetment on the unused access that adjoins Patty Dyson's property at Lake Park and Strauss at a cost of \$31,320.00. Motion carried unanimously 5-0.

Leonard referred to an article in the paper that said the New Buffalo Shoreline Alliance met with representatives of the Army Corps of Engineers and representatives from Washington DC and they were astounded at the damage done to the shoreline, all of the rock and expense to protect the shoreline. He said at this point, all of Grand Beach has been armored up from Forest Beach to the other end of the Village.

DONKERSLOOT PROPOSAL – ROBIN LANE

Leonard said this is a repair that needs to be done at Robin Lane because the revetment has failed and the bluff has pulled away and is sliding down and the stairs have pulled away from the deck. If we don't do the repair work, the water will eat away at the properties on either side of the Robin Lane access.

Leonard moved, seconded by Giglio to approve the proposal from Donkersloot & Sons for repair of the revetment at Robin Lane at a cost of \$29,670.00. Motion carried unanimously 5-0.

TREE DISCUSSION

O'Halloran said at the last meeting a resident brought up a concern about the condition of some of the trees in the public easement. O'Halloran said that private homeowners should take care of their own trees. He would like to have an independent arborist look at the trees in the Village. He thinks the Village needs to take the first step and have someone that knows what they're looking at evaluate the trees and remove those that are of a concern.

Leonard asked Bob Dabbs to contact the arborist that works for Michiana. Village resident Mike Lindley suggested contacting Michigan State to see if they have someone that would be able to help with the trees because we might have already paid for their services.

RESOLUTION – GRANT REQUEST

Leonard said the Village has submitted a grant request for \$3,200,000 for the 42 Acres and the appraisal the Village had done shows the value of the property at \$2,260,000. He said the resolution needed to be amended to show that we have changed the numbers to reflect the appraisal since the Village cannot offer more money for the property than the appraised amount. After discussion concerning the change to the resolution, it was tabled until the September meeting.

AT&T ANNUAL VIDEO REPORT

Leonard stated that the Village received the AT&T annual video report which gives information about what AT&T has been doing in the Village.

**RE-APPOINT RAY KELLY TO PLANNING COMMISSION TERM EXPIRING AUGUST 31, 2021
RE-APPOINT JAMES BRACEWELL EX OFFICIO MEMBER OF PLANNING COMMISSION TERM EXPIRING
AUGUST 31, 2019**

Giglio moved, seconded by O'Halloran to re-appoint Ray Kelly to the Planning Commission with a term ending August 31, 2021 and Jim Bracewell as ex officio member with a term ending August 31, 2019. Motion carried unanimously 5-0. Leonard said that George Soper has served as secretary of the Planning Commission and he will be moving, so there will be an opening on the Planning Commission if anyone is interested.

HALL RENTAL REQUESTS – SUSAN FAUL

Leonard moved, seconded by Bracewell to approve a hall rental request from Susan Faul, September 22, 2018. Motion carried unanimously 5-0.

AUDIENCE RECOGNITION

Judith Blackburn is appalled at the lawns that have not been mowed, and the trash cans that litter the streets.

John Deaner said he understands that an individual contacted each of the Council to see how they would vote on the bicycle path and feels that type of question should be addressed to the Council and

not to individual Council members.

Frank Dolan was not happy with the way the meeting was reported in the New Buffalo Times and would like the council to consider audio taping the meetings.

Bracewell told those in attendance that long time Grand Beacher Al Faul passed away over the weekend

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and will be missed by many.

CORRESPONDENCE

GRAND BEACH PRESERVATION COUNCIL – PROPOSED MARQUETTE GREENWAY

GRAND BEACH PRESERVATION COUNCIL – PROPERTY INTERESTS

JOHN DEANER – RULES OF ORDER

John Deaner explained the letter he submitted to the Council regarding the audience discussion at meetings and his proposed revision to the rules of order.

MICHIGAN MUNICIPAL LEAGUE – ROAD FUNDING

Leonard said the Village will be getting additional road funding from the state.

ADJOURNMENT

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

With no further business, the meeting was adjourned at 10:01 p.m. EST.

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer