

**VILLAGE OF GRAND BEACH
SPECIAL COUNCIL MEETING
FEBRUARY 12, 2021**

Council President Deborah Lindley called the electronic (virtual) Special Council Meeting to order at 1:00 p.m. EST.

Lindley read the following information regarding the remote meeting:

This meeting is being held remotely due to the COVID-19 pandemic under enrolled Senate Bill 1246, Public Act 254 of 2020 amending the Open Meetings Act. All Council members should identify themselves prior to speaking so that everyone is aware of who is speaking. The President of the Council will read all of the agenda items as we go along for those that can't see the agenda.

There will be two times when the public can speak.

- The first time will be during "comments on agenda items".
- The second time is during "public comments-general" where you can speak about any concerns.
- All audience members will be muted until it is time for them to speak.
- Please identify yourself before speaking.

ROLL CALL – IN ATTENDANCE

James Bracewell – Attending remotely from Grand Beach, Michigan

Paul Leonard – Attending remotely from Jupiter, Florida

Deborah Lindley – Attending remotely from Grand Beach, Michigan

Blake O'Halloran – Attending remotely from Grand Beach, Michigan

Steve Slater – Attending remotely from Montgomery, Alabama

ADOPT AGENDA

Lindley moved, seconded by Leonard to adopt the agenda as presented.

Roll Call

Paul Leonard Jr.	Aye
Deborah Lindley	Aye
Blake O'Halloran	Aye
Steve Slater	Aye
James Bracewell	Aye

Motion carried unanimously 5-0.

UNFINISHED BUSINESS

None

NEW BUSINESS

RESOLUTION NO. 2021-02 – NEW BUFFALO TOWNSHIP SPECIAL ASSESSMENT

Lindley explained that Village Attorney Sara Senica suggested a resolution to declare our statutory rights and sovereignty as an incorporated home rule village in regards to a special assessment district (SAD) by the Township. Lindley said Townships can put millages out to a vote and that is how they raise their money to maintain the township and any special projects that they have. She read the introduction to the resolution which she said sums it up pretty well. The resolution demands that the Township immediately remove any

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properties located within the Village from the SAD. She said Michiana passed the resolution at their regular meeting held yesterday.

Attorney Senica stated three areas that protect the Village from a SAD imposed by New Buffalo Township.

1. Village Charter
2. Home Rule Village Act
3. Police and Fire Protection Act 33 of 1951

Lindley said since no Township has tried to do a SAD on a Village to our knowledge, this could very well end up in court and she believes that the Village will be in good standing.

Leonard said this is a very important issue because it establishes precedence for the Township to raise money through the Villages without going through putting a millage on the ballot. He said the Township has a right to tax the Village, but the question is whether the Township has the right to assess property within the Village. There is no court case in Michigan that deals with this question according to the Village Attorney. This puts the challenge before the Township Board that they can't do this. He said it might end up in litigation and could result in unintended consequences because the township bundled fire, ambulance and police into the SAD and our objection is to the police service because we have our own police. We depend on the fire and ambulance services from the Township and there has to be a fair way for the Village to contribute to the Township for the fire and ambulance. As far as the special assessment district is concerned, he thinks the Village has to take a stand and say no. He said the Village has a right and only the Village has a right to do a special assessment on Village property.

Lindley said the 2.1 mills assessed will generate \$1,297,954 in the first year, but in following years, the Township can increase that amount by a simple vote of their board.

The breakdown of services included in the assessment is:

\$600,000 County Sheriff Patrol
\$110,000 Medic 1 Ambulance
\$250,000 Operation of Fire Department
\$250,000 Bond Payment for New Public Safety Building

Lindley said she is concerned with the cost of the public safety building and said that as a Village, we have never put our Village into that much debt without knowing where the money is coming from.

She said we have had a good relationship with the Township and the Township Police and she hopes that will continue.

Bracewell said that in October 2020, the Council had the Village Attorney attend a special meeting to explain how a millage and special assessment work. The attorney talked about the special assessment requirements. He said he has attended a few meetings and doesn't know if the Township met these requirements. He said he thinks Ed and Angie Trainor have done a fantastic job of spearheading the response to this situation.

Slater said he sees this as two very simple things with the first being the fundamental unfairness of being double dipped for services that we are not provided. He said the second thing is that we need to protect our statutory and home rule authority.

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O'Halloran said the resolution denounces the legality of the Township to levy taxes on the Village through the means of a special assessment especially since we aren't receiving the benefit from the increased tax such as with the Township Police. He feels that we have a good leg to stand on, but we may be in for litigation. He thinks the best outcome we can hope for is that the Township recognizes our resolution for the legal precedent that it sets and that no future assessments involving tax increases from the Township will be presented with inclusion of our sovereign Village. He said that any increase of the Village tax base should require a millage to be voted on by all residents in the Township with transparency and proper notice during a national or state mid-term or presidential election to provide the greatest number of voter turnout.

Leonard moved, seconded by Lindley that the Village of Grand Beach Council approve the resolution submitted by Village Attorney Sara Senica known as resolution 2021-02.

Roll Call

Deborah Lindley	Aye
Blake O'Halloran	Aye
Steve Slater	Aye
James Bracewell	Aye
Paul Leonard	Aye

Motion carried unanimously 5-0.

COMMENTS ON AGENDA ITEMS

John Walles said that the winter tax bill currently has two public safety millages and by moving to a special assessment, not only is it an 18% increase, but the Township is losing \$149,000 from the casino funding.

O'Halloran stated that the Village does not normally hold meetings with such short notice, but since we needed to get everything in to the Township before Tuesday's public hearing and with our regular meeting being held on Wednesday, we had a very short window. He apologized for the short notice.

PUBLIC COMMENTS - GENERAL:

Dennis Grether asked about any updates regarding the 42 Acres. Lindley said that the state agreed to allow us to get an additional appraisal which should be done soon. Then we will see if they are able to make any adjustments to the grant and the Village will go back to Grand Beach Land Development to see if we can work out the funding.

James Benz asked if there is anything that can be done to help the Village in terms of support. Lindley suggested writing a letter to the Township showing opposition or attending the Zoom meeting on February 16, 2021 to state orally that you are in opposition.

Carol Lee asked if there will be a place to access the recording of the meeting or minutes. Lindley said that the minutes will be on the website once prepared and the resolution is on the website now.

Laurie Roche asked how many fire calls are made to Grand Beach every year. Chief Layman said that he believes there were approximately 60 calls with 60-80% of them for fire alarms in 2020. She spoke about the possibility of selling the old fire station to help with the cost of the new station.

Pete Hauser asked Chief Layman if he knew the last time there was an actual structure fire. Layman said there was a house fire in Michiana very recently and Lindley said there was a house that someone tried to start on fire in Grand Beach which ended up with the neighboring house on fire several years ago.

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ADJOURNMENT

Lindley moved, seconded by Bracewell to adjourn the meeting.

Roll Call

Blake O'Halloran	Aye
Steve Slater	Aye
James Bracewell	Aye
Paul Leonard	Aye
Deborah Lindley	Aye

Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 1:40 p.m. EST.

Respectfully Submitted,

Mary J. Robertson
Clerk-Treasurer