

**VILLAGE OF GRAND BEACH
SPECIAL COUNCIL MEETING
JUNE 28, 2022**

CALL TO ORDER

Council President James Bracewell called the special council meeting to order at 1:10 p.m. EST. Present in addition to Bracewell were Peter Doerr, Paul Leonard Jr. and Blake O'Halloran. Deborah Lindley was not in attendance.

ADOPT AGENDA

Leonard moved, seconded by Doerr to adopt the June 28, 2022 agenda as presented. Motion carried unanimously 4-0.

PUBLIC COMMENTS ON AGENDA ITEMS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

SPECIAL ASSESSMENT LAWSUIT APPEAL

Doerr said he listened to the entire court case on Zoom and it seemed very black and white to him, and once the judge got to Act 33, she said this act supersedes everything and only applies to public safety. She said it doesn't preclude the Village from making its own choices. Doerr said he thinks the Village should at least try and appeal because of what could happen in the future. He said the special assessment was done without a lot of communication.

Leonard said he thinks that since Michiana has decided to appeal, that the Michigan Municipal League will get involved and file a brief. He said that if the Villages lose the appeal, they are in the same position they are in now. He said that the Village has New Buffalo Township Fire and ambulance and doesn't have anyone else to do business with. Leonard said if we win, we will be in a different position and will be able to sit down to discuss what we will pay for services. He said he doesn't like the idea that the Village is home ruled, and that our rights have been taken away. He said that this is not precedential at trial court, but becomes precedential at the appellate level and if it goes to the supreme court, that becomes precedential.

O'Halloran said that the appeal is based on Act 33 and if he would have known what Act 33 means, he would never have agreed to the lawsuit. He asked who will provide fire services if we win. He said the Village has used New Buffalo Township Fire Department, and Fire Chief Flick knows all of the streets in Grand Beach. He said that he thinks that the ambulance service is very good. He said he talked to many residents and they don't think it is worth it to appeal since their taxes only went up \$100. He said the township has the right to raise taxes through Act 33, and he is not in favor of the lawsuit.

Bracewell said he is in favor of appealing. He said he found it interesting that the township didn't ask for a millage increase or pay respect by communicating with the Village President. He said the services are very good. He said that the Village functions under the Open Meetings Act, and goes out of our way not to violate the Open Meetings Act and he doesn't think the township did the same on this subject. He thinks we should try to establish the need for communication between the township and the Village. He thinks that both Villages have a lot to gain, and that the services will be worked out. He thinks the fact that they overlooked going out for a millage deprived the people of a chance to respond.

Bracewell moved, seconded by Leonard to support the appeal to the case in the same way as the Village of Michiana.

Special Council Meeting – June 28, 2022

ROLL CALL VOTE

James Bracewell	Aye
Peter Doerr	Aye
Paul Leonard Jr.	Aye
Blake O'Halloran	Nay
Deborah Lindley	Absent

Motion carried 3-1.

PUBLIC COMMENTS - GENERAL

None

CORRESPONDENCE

None

ADJOURNMENT

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

With no further business, the meeting was adjourned at 1:37 p.m. EST.

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer