

ELECTRONIC (VIRTUAL) ZOOM COUNCIL MEETING NOTICE
VILLAGE OF GRAND BEACH
48200 PERKINS BLVD., GRAND BEACH, MI
WEDNESDAY, MARCH 17, 2021
6:00 P.M. (CST) – 7:00 P.M. (EST)

THE VILLAGE OF GRAND BEACH COUNCIL, in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 15.264), and pursuant to the provisions of enrolled Senate Bill 1246, Public Act 254 of 2020 amending the Open Meetings Act to meet remotely, hereby gives notice of a Council meeting to be held electronically due to the COVID-19 pandemic.

The Village Hall will not be open during the meeting, so you will need to attend the meeting electronically.

There will be a limited amount of time at the start of the meeting for the public to speak on agenda items and the public will be allowed to speak to other topics during the “public comments – general” portion of the meeting.

- If you would like to speak on an agenda item during “comments on agenda item” at the start of the meeting or would like to speak during the “public comments – general” portion of the meeting, please send an email prior to 3:00 p.m. EST on March 17, 2021 to clerk@grandbeach.org stating your name, Grand Beach address, which agenda item you would like to speak about, or that you would like to speak during “public comments – general” and include Council Meeting in the subject line of the email. If you do not send an email, you will still be given an opportunity to speak at the meeting. Contact the clerk with any questions.
- Council members may be contacted by email with any questions or input regarding the agenda for this meeting. Email addresses can be found on the Village website at grandbeach.org.

We are asking you to send an email if you plan to speak so that the moderator of the meeting will be able to call on those that wish to speak when the time comes during the meeting.

INSTRUCTIONS ON HOW TO JOIN THE ELECTRONIC (VIRTUAL) MEETING VIA ZOOM

Topic: Village of Grand Beach Council Meeting

Time: Mar 17, 2021 07:00 PM Eastern Time

Join Zoom Meeting

<https://us02web.zoom.us/j/85708224789?pwd=aWtpUm5ZSDdGdjFVTmtWUjd5VXZqQT09>

Meeting ID: 857 0822 4789

Passcode: 445006

One tap mobile

+13126266799,,85708224789#,,,,*445006# US (Chicago)

+19294362866,,85708224789#,,,,*445006# US (New York)

Dial in:

833 548 0276 US Toll-free

833 548 0282 US Toll-free

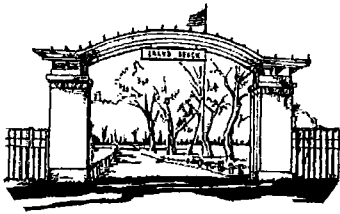
877 853 5257 US Toll-free

Meeting ID: 857 0822 4789

Passcode: 445006

This notice is posted in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 41.72a(2)(3)) and the Americans With Disabilities Act. The Village of Grand Beach Council will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon five days' notice to the Village of Grand Beach Council. Individuals with disabilities requiring auxiliary aids or services should contact the Village of Grand Beach Council by email at clerk@grandbeach.org or calling 269-469-3141.

MARY J. ROBERTSON, CLERK – TREASURER
(269) 469-3141



Village of Grand Beach
48200 Perkins Blvd.
Grand Beach, MI 49117

**AGENDA FOR REGULAR COUNCIL MEETING
ELECTRONIC (VIRTUAL) ZOOM MEETING**

**MARCH 17, 2021
6:00 P.M. CST - 7:00 P.M. EST**

1. Call to Order
2. Adoption of Agenda
3. Consent Agenda
 - a. Approve Village Council Minutes:
 - i. Special Council Zoom Meeting Minutes—New Buffalo Township Special Assessment, February 12, 2021
 - ii. Regular Council Zoom Meeting Minutes, February 17, 2021
 - iii. Special Council Zoom Meeting Minutes – Legal Representation , March 5, 2021
 - b. Pay Bills with Written Additions
4. Public Comments on Agenda Items
5. Presentations/Recognition
 - a. Lifesaving Recognition - Assistant Police Chief James Flick
6. Public Hearing
7. Commission Reports
 - a. Building & Zoning - James Bracewell
 - b. Parks & Beaches - Steve Slater
 - c. Streets & Water - Paul Leonard Jr.
 - d. Police - Deborah Lindley
 - e. Pro Shop & Course - Blake O’Halloran
 - f. ServiScape Report - Clay Putnam
8. Personnel Reports
 - a. Superintendent - Bob Dabbs
 - b. Police Chief - Ryan Layman
 - c. Building Inspector - Bill Lambert

AGENDA (CONTINUED)
REGULAR ELECTRONIC (VIRTUAL) ZOOM COUNCIL MEETING
MARCH 17, 2021

9. Unfinished Business

10. New Business

- a. Resolution to Collect Delinquent Property Taxes
- b. Guard Rail Replacement – Grand Beach Road
- c. Budget Amendment – Major Streets FY 2020-2021
- d. Budget Amendment – Capital Projects FY 2020-2021
- e. EGLE Special Exception – 48001 Ridge Road
- f. EGLE Special Exception – 46105 Whitewood Avenue
- g. EGLE Special Exception Reviews
- h. New Buffalo High School Request to Use Golf Course
- i. Comcast – Fox Trail
- j. Golf Cart Rental Canopy
- k. Short Term Rental Resolution and Proposed Ordinance

11. Public Comments - General

12. Correspondence

13. Adjournment

**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

Special Council Meeting – February 12, 2021

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.

Special Council Meeting – February 12, 2021

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.

Special Council Meeting – February 12, 2021

ADJOURNMENT

Lindley moved, seconded by Bracewell to adjourn the meeting.

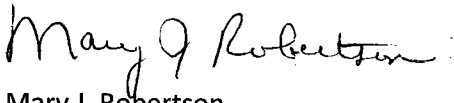
Roll Call

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

VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING (HELD ELECTRONICALLY)
FEBRUARY 17, 2021

CALL TO ORDER

Council President Deborah Lindley called the electronic (virtual) regular council meeting to order at 7:33 p.m. EST.

Lindley read the following information regarding the remote meeting:

This meeting is being held remotely due to the COVID-19 pandemic enrolled UNDER 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.

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- 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 Cedar Key, Florida

ADOPT AGENDA

Lindley moved, seconded by O'Halloran to adopt the February 17, 2021 agenda with the addition of *Item 10(j) Legally Respond to New Buffalo Township Board Regarding Their Special Assessment District.*

Roll Call Vote

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

Motion carried unanimously 5-0.

ADOPT CONSENT AGENDA

- a. Approve Village Council Minutes:
Regular Council Meeting, January 20, 2021
- b. Pay Bills with Written Additions

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

Regular Council Meeting – February 17, 2021

Roll Call Vote

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

None

PRESENTATIONS/RECOGNITION

BRIAN HAKE - KRUGGEL LAWTON AUDIT PRESENTATION

Brian Hake of Kruggel Lawton Company presented the fiscal year 2019-2020 audit. He said that the audit report has been finalized and they are going through the submission of the report now. He said they issued an unmodified opinion which is the highest opinion that can be given. The General Fund had a positive year and was up by \$55,000 including transfers to Capital Projects. Total government funds increased by \$272,000, the water fund increased by \$98,000 and the golf fund increased by \$61,000. The fund balance in the General Fund is \$1,041,655 which is very close to last year's fund balance of \$1,044,897.

He told the Council that the Village is sitting at a net liability in the pension, meaning that liabilities exceed assets. He said that assets can fluctuate based on market returns and liabilities are based on the number of people in the plan and the amount of pension to be paid out. Leonard asked Hake for any suggestions on how to reduce the liabilities over the next three years and what can be done so the liability does not increase. Hake said that the numbers can flip at any time depending on several variables that play into it including market fluctuations and suggested that the Council keep a close eye on it.

Clerk-Treasurer Mary Robertson said that the Village can increase the employer's contribution or make lump sum payments. She said that when the actuary plan comes out in June, we can take a look at different ways to reduce the unfunded amount in the plan.

POLICE CHIEF RYAN LAYMAN – POLICING IN THE NEW BUFFALO AREA

Police Chief Ryan Layman gave a presentation to show what geographical areas the different police departments in the New Buffalo area cover. He said there was a question about this at a prior meeting, so he created a slide show with the information.

The following departments can be seen in the area although most of them do not patrol in Grand Beach, but will come into the Village for assistance if needed:

- Michigan State Police - They patrol unincorporated areas of the state and are responsible for patrolling over 40 miles on I-94.
- Pokagon Tribal Police – Responsible for Four Winds Casinos and casino property. They have casinos in New Buffalo, Hartford, Dowagiac and South Bend.
- Berrien County Sheriff's South County Patrol – Responsible for unincorporated Villages and Townships in the south county (Village of Galien, Galien Township, Bertrand Township, Buchanan Township, Weesaw Township and New Troy).

Regular Council Meeting – February 17, 2021

- Berrien County Sheriff's New Buffalo Township Patrol – Responsible for patrolling the township which includes 6 miles of I-94.
- Grand Beach/Michiana Police Department – Patrols the Grand Beach and Michiana Villages.

He said the Grand Beach/Michiana Police is the only department authorized to enforce Village ordinances with the department supported by tax dollars from both Villages.

Layman said that Grand Beach and Michiana answered 600 calls for service in 2020. New Buffalo Township assisted them 20 times and they assisted the township police 27 times in 2020.

He said it might seem like there are a lot of police agencies in the New Buffalo area, but many are just starting from New Buffalo and covering other territory.

PUBLIC HEARINGS

None

COMMISSION REPORTS

BUILDING & ZONING: Bracewell said that it has been very quiet in the Village, but there are many plans being submitted with homes and properties being sold recently. He thanked Chief Layman for serving an owner in Fifteen Acres. Layman said that beginning on February 1, 2021 the court house has moved into phase 2 and will start holding jury trials, so he hopes that other court cases will begin to be held.

PARKS & BEACHES: Slater had nothing to report.

STREETS & WATER: Leonard said he has exchanged emails with Joe Farwell concerning the Memorandum of Understanding and Easement regarding the water lines on their property on Ely Avenue. He said Farwell has questions for Village Attorney Sara Senica, so it will take a little more time.

POLICE: Lindley said Village Attorney Sara Senica has done a fantastic job and has done a lot of research regarding the New Buffalo Township Special Assessment that includes the Villages of Grand Beach and Michiana, and Lindley has great confidence in her research.

PRO SHOP & COURSE: O'Halloran said the golf course is open for Village residents to ride their snowmobiles on. Snowmobilers should be considerate of the neighbors, stay off the greens and are not allowed in the 42 Acres. He said he would like to form a golf committee to look at options for improvement to the course in the future. He would also like to begin evaluating the trees on the course.

SERVISCAPE REPORT

Clay Putnam said they have been doing equipment maintenance and are currently reviewing bids from various vendors.

PERSONNEL REPORTS

SUPERINTENDENT: In addition to written report, Superintendent Bob Dabbs told the Council that Oselka Constructors still need to get their two excavators out of the Village. After much discussion, Dabbs said he will video tape the equipment as they move along the roads and they will put plywood down to protect the roads at any turns. He will request written confirmation from Oselka to state that they will be held responsible for any damage to the roads.

Regular Council Meeting – February 17, 2021

POLICE CHIEF: In addition to his written report, Police Chief Ryan Layman corrected a statement that was made at the February 12, 2021 meeting stating that there were 60 fire calls in Grand Beach in 2020. Layman said that 20 of the calls were in Grand Beach and 40 calls were in Michiana.

BUILDING INSPECTOR: Building Inspector Bill Lambert was not in attendance.

UNFINISHED BUSINESS

None

NEW BUSINESS

COUNCIL MEETINGS - TIME CHANGE

Lindley moved, seconded by Slater to change the start time of regular council meetings to 7:00 p.m. EST and update the "Rules of Procedures" to show the correct meeting time.

Roll Call Vote

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

Motion carried unanimously 5-0.

PROPERTY, LIABILITY & AUTO INSURANCE

Lindley explained that the Village received information regarding the insurance renewal. She said the premium for this year is \$26,116 which is a 12% reduction from last year, partly due to the fact that we reduced our police fleet by one squad car. We will also receive a dividend of \$1,986.

PUMP HOUSE FURNACE REPLACEMENT

Lindley explained that the furnace at the pump house went out and an estimate to repair the furnace was \$1,000 and they weren't sure if it would last through the winter after the repair. The cost of a new furnace was \$3,800, so she had the furnace replaced.

Lindley moved, seconded by Leonard after the fact, to replace the furnace in the pump house at a cost not to exceed \$4,000.

Roll Call Vote

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

Motion carried unanimously 5-0.

BUDGET AMENDMENT – GOLF FUND FY 2020-2021

Lindley moved, seconded by O'Halloran to approve a budget amendment for the Golf Fund for fiscal year 2020-2021 for the purchase of a furnace for the pump house.

Regular Council Meeting – February 17, 2021

Roll Call Vote

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

Motion carried unanimously 5-0.

GOLF CART PARKING FEES

O'Halloran moved, seconded by Leonard to increase the golf cart parking stickers by \$5.00 for the 2021 season for residents.

Roll Call Vote

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

Motion carried unanimously 5-0.

GOLF FEES

O'Halloran said that there will be no increase in the golf fees and cart rental fees this year.

NEW BUFFALO SHORELINE ALLIANCE

Slater said that the New Buffalo Shoreline Alliance (NBSA) was formed about six years ago and during that time they have reached out to the Army Corps of Engineers (ACOE) and had meetings with them regarding the loss of sand at the beaches. He said it has become very evident that they aren't going to take any responsibility for damages south of the New Buffalo breakwater.

He said it has cost millions of dollars to both residents and Grand Beach due to loss of land and property value. He said there was a case in Stevensville titled "Banks vs. United States" where a group of lakefront property owners filed a lawsuit and won with it being determined that the ACOE was responsible for a "taking".

The NBSA connected with a law firm in Chicago and they feel they have a strong case against the ACOE. They will handle the entire case and cap the cost at \$400,000. To date, the NBSA has raised between \$100,000 and \$150,000 towards the lawsuit.

He said the Village owns shoreline at its beach accesses and can join the suit.

He said if the case is won, the money will go into a trust and will not go to any of the owners. The money will be spent on sand and revetment work. The NBSA has suggested a donation of \$4,000 for lakefront property owners and somewhere in the \$2,000 range for off lake properties.

Slater moved, seconded by Leonard that the Village of Grand Beach join the case spearheaded by the NBSA as a plaintiff and provide information necessary to move forward, and pay \$5,000 toward legal fees from the Capital Projects Parks and Beach fund.

Regular Council Meeting – February 17, 2021

Roll Call Vote

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

Motion carried unanimously 5-0.

EGLE SPECIAL EXCEPTION – 51005 LAKE PARK DRIVE

Lindley said the Council has two special exception requests regarding revetment work at 51005 and 51007 Lake Park Drive. Clerk Mary Robertson said that when EGLE went to look at the properties for their proposed work, they noticed they were going to be doing much more work than what they originally thought which is why they required the special exceptions.

Lindley moved, seconded by Leonard to accept the special exceptions for property located at 51005 Lake Park Drive and 51007 Lake Park Drive.

Roll Call Vote

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

Motion carried unanimously 5-0.

EGLE SPECIAL EXCEPTION – 51007 LAKE PARK DRIVE

LEGALLY RESPOND TO NEW BUFFALO TOWNSHIP BOARD REGARDING THEIR SPECIAL ASSESSMENT DISTRICT

Lindley said that she felt last night’s vote to adopt a resolution for a special assessment district (SAD) by New Buffalo Township was very disappointing. She said it was voted on after about two hours of comments against it, and the vote was unanimous and without comment. She said the Village does not feel the Township has the ability to do a special assessment on a home rule Village and they think it is an unfair assessment. She said sadly that she thinks the only way to address the issue is by legal means.

Slater said he was appalled that without comment they adopted the resolution, adding that the Village is 100% in favor of fire, Grand Beach Police and Medic 1. He said it is not fair to be double dipped for our police and the Council should take a look at what options are available.

Bracewell said he was neither shocked nor surprised at what happened. He felt it was insulting to take two hours of comments and not respond.

O’Halloran said it is very important that the Village look at all of our options and take into account the precedent that this could set. He said this could go to the state of Michigan and possibly all the way to the supreme court, and added that no one likes litigation with neighbors and friends. He said we need to understand what the Township has rights to do, and he was disappointed that there was no discussion. He questions the legality and their right to assess. He said at least in the future, we need to have notice so the township residents feel like they have notice to participate.

Regular Council Meeting – February 17, 2021

Leonard said the issue isn't just about a defective process or procedure and is more fundamental than that. He said they can't do what they did because lands being assessed are in the Village and that is off limits to the Township. He said a tax is paid by everyone in the township, but with a SAD you can carve out an area and assess it.

Lindley moved, seconded by Slater to proceed with legal action against New Buffalo Township regarding the Special Assessment district.

Roll Call Vote

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

Motion carried unanimously 5-0.

PUBLIC COMMENTS – GENERAL

None

CORRESPONDENCE

None


Lindley thanked residents for sending letters or speaking in opposition of the SAD at the Township's public hearing. She thanked resident Ed Trainor for helping the Council spread the word.

ADJOURNMENT

Lindley moved, seconded by Bracewell to adjourn the meeting.

With no further business, the meeting was adjourned at 9:56 p.m. EST.

Respectfully submitted,



Mary J. Robertson
Clerk-Treasurer

**VILLAGE OF GRAND BEACH
SPECIAL COUNCIL MEETING
MARCH 5, 2021**

Council President Deborah Lindley called the electronic (virtual) Zoom Special Council Meeting to order at 3:00 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.

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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 Cedar Key, Florida

ADOPT AGENDA

Lindley moved, seconded by Slater 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.

COMMENTS ON AGENDA ITEMS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

ENGAGEMENT LETTER – LEGAL SERVICES

Lindley explained that at a recent meeting she attended with Village Attorney Sara Senica and representatives from Michiana, one of the Michiana council members asked Sara Senica to provide terms to establish the amount of time and legal fees needed to pursue a lawsuit regarding New Buffalo Township's Special

Special Council Meeting – March 5, 2021

Assessment District (SAD). She said the reason for engaging legal counsel is to protect the Village's sovereign rights as a home rule Village. The township has the right to determine millage rates that are voted on by the registered voters of the township, but she feels that they don't have the right to establish a SAD in the Village. She said if they were able to do this, it would negate them passing millages and instead establishing SADs in the future. The SAD could be increased by a vote of the five Township board members. The Village has the right to establish a SAD in the Village.

She said Sara Senica's fees are \$160 an hour with an estimate of between \$20,000 and \$28,000 to be split between Michiana and Grand Beach. The cost depends on circumstances in the circuit court. If it is appealed to the appellate court, the costs will go up and the Council will consider the costs at that time to determine what they want to do.

She said both Villages have full confidence in Sara Senica's municipal knowledge and her investigations pursuing this legal issue.

Leonard said he agrees with Senica's analysis and feels that the Villages have a very strong case and that her proposal and estimate is reasonable. He said litigation is always full of uncertainty because you don't know what the other side is going to do and how they are going to litigate, so the cost estimate is a best case scenario, and we have to be prepared for additional costs that aren't anticipated. He said we might have to consider how far up the chain this could go and it could go all the way to the Supreme Court. This has to do with our ability to govern ourselves. As a practical matter, he keeps thinking no taxation without representation, as neither Village has a representative on the Township Board. He said this is a way for New Buffalo Township to reach into the pockets of each taxpayer in Grand Beach and Michiana to finance projects throughout the township that don't provide any measurable benefit to the Villages. This is a fight worth having and taking all the way to the end.

Bracewell said he supports what Leonard said, and said that not too many people challenge their townships in this state successfully. It's been his experience that it is very difficult to overturn their decisions, although he did go to the Tax Tribunal 20 years ago and won. He supports the lawsuit and using Village funds to pay for it.

Slater said this has been something that he has been concerned with since getting on the Council and he thinks the Township has overplayed their hand and have pushed too far and they don't have the authority to do what they are trying to do. He fully supports what the other Council members have said.

O'Halloran said he thinks the biggest thing is precedent, and if we don't win, it will be a challenge to home rule Villages in the future. This is hitting our Village right in the center of the importance of what we do. If we allow another Board to levy taxes on the Village whenever they feel like it, he thinks it's a big problem for all Villages. He thinks this will go all the way to the Supreme Court. He said we need to get through the circuit court, and who knows what that will cost. If we can get into the appellate court, then the Michigan Municipal League will come in with their lawyers and help all of the Villages. He thinks that when another Board of five members can make decisions that affect so many, that is a major concern for everyone and right or wrong, no matter how you feel about it, we have to go forward with it and he supports having Sara Senica represent the Village.

Lindley moved, seconded by Leonard to agree to the engagement letter with Attorney Sara Senica pertaining to her legal services and fees.

Special Council Meeting – March 5, 2021

Roll Call

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

Motion carried unanimously 5-0.

CONFLICT OF INTEREST WAIVER

Lindley explained that Sara Senica wanted the Village to be aware that she is representing both Villages of Michiana and Grand Beach, so she drew up the conflict of interest waiver, but she feels that there is no conflict since our intent is the same.

Lindley moved, seconded by O'Halloran to sign the Conflict of Interest Waiver prepared by Attorney Sara Senica.

Roll Call

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

Motion carried unanimously 5-0.

TAXPAYER NEXT STEPS – TAX TRIBUNAL

Lindley said the Village cannot give legal instruction to the taxpayers, but since the Village does not pay taxes to the township, the Village has no legal standing to file an appeal to the Tax Tribunal which deals with individual taxpayer issues of unfair taxes. She said it is her understanding that if a taxpayer wrote a letter or spoke at the Township's recent public hearing to appeal the SAD, you may file an appeal to the Tax Tribunal. She said that their decision can help with decisions in the circuit court although they are different issues, ours is based on home rule and theirs is based on taxes.

PUBLIC COMMENTS – GENERAL

Ed Trainor thanked the Council for the steps taken on this issue. He said it is important to both full time and part time residents. He said there is a lot of support out there from both Michiana and Grand Beach and he has between 500-600 people on his group email list. If you are interested in being included in his group emails regarding the SAD, you can let him know at etrainor111@gmail.com.

He said individual taxpayers can file an appeal to the Tax Tribunal in two ways with the deadline being March 17, 2021. You can file in the following manner:

1. File appeal through an attorney. The group has identified a good law firm as Kotz Sangster and they'll file all documents for you at a cost of \$1,050 per taxpayer.
2. You can file on your own online through the Tax Tribunal website at a cost of \$250.

Trainor said they might have a Zoom meeting for individuals where they might get into strategies.

Special Council Meeting – March 5, 2021

Bill Kenny said he wants to make sure he understands this budget wise and that the Village will incur legal fees and the Township will incur legal fees, and he feels like they are fighting each other and paying for legal fees on both sides.

Anthony Ulizio thanked everyone for their effort.

ADJOURNMENT

Lindley moved, seconded by Slater to adjourn the meeting.

Roll Call

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

Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 3:32 p.m. EST.

Respectfully Submitted,

Mary J. Robertson
Clerk-Treasurer

BILLS THAT ARRIVED AFTER ORIGINAL LIST**3/17/21**GENERAL FUND

Comcast	2/20 to 3/19 Service	224.09
Fifth Third Bank	Web Cam & Taser Training	404.95
	Carpet Tile/Police Office	299.95
IN Michigan Power	February Street Lights	613.50
Semco Energy	1/25 to 2/22 Service Hall & Garage	443.90
VSP Insurance	March Prem.	105.96
Verizon	2/8 to 3/7 Service	<u>38.23</u>
		2,130.58

GOLF FUND

Semco Energy	1/25 to 2/22 Service	133.67
Verizon	2/8 to 3/7 Service	<u>25.68</u>
		159.35

WATER FUND

Semco Energy	1/25 to 2/22 Service	99.40
Verizon	2/8 to 3/7 Service	<u>38.33</u>
		137.73

ACH – ELECTRONIC PAYMENTSGENERAL FUND

Direct Deposit Payroll	2/28, 3/11 Payroll	21,561.77
Payroll Taxes	2/28, 3/11 Payroll	7,168.48
MERS	February W/H	2,527.42
State of Michigan	February W/H	<u>1,090.94</u>
		32,348.61

GOLF FUND

Horizon Bank	Credit Card Fees	<u>89.00</u>
		89.00

WATER FUND

Horizon Bank	February Service Fee	<u>52.70</u>
		52.70

1:03 PM
03/12/21

Village of Grand Beach-General Fund
OPEN INVOICE REPORT
As of March 12, 2021

Type	Date	Num	Memo	Split	Open Balance
AALF'S PETROLEUM INC.					
Bill	02/24/2021	49352		000.111 · Gasoline Inventor...	897.54
Bill	02/24/2021	49351		000.111 · Gasoline Inventor...	515.60
Total AALF'S PETROLEUM INC.					1,413.14
ARAMARK UNIFORM SERVICES					
Bill	02/05/2021	6310...	Mats	265.956 · Miscellaneous	40.42
Total ARAMARK UNIFORM SERVICES					40.42
BUSINESS FURNISHINGS					
Bill	02/19/2021	1547...	POLICE - DESKS	300.985 · Equipment Purch...	1,429.99
Bill	02/23/2021	1547...	POLICE - DESKS	300.985 · Equipment Purch...	184.24
Total BUSINESS FURNISHINGS					1,614.23
DALE POWELL					
Bill	03/09/2021		TELEPHONE ALLOWANCE	266.850 · Telephone & Inter...	50.00
Total DALE POWELL					50.00
FASTENAL COMPANY					
Bill	03/08/2021	inmic...	IRON BLADE	266.778 · Repairs & Maint ...	253.63
Total FASTENAL COMPANY					253.63
FIFTH THIRD BANK MASTERCARD					
Bill	03/03/2021		MAIL CHIMP	300.727 · Office Supplies PD	30.39
Total FIFTH THIRD BANK MASTERCARD					30.39
FRONTIER LAWN AND RECREATION INC.					
Bill	03/02/2021	2861...	BELTS, SCREWS	-SPLIT-	77.32
Total FRONTIER LAWN AND RECREATION INC.					77.32
INDIANA MICHIGAN POWER					
Bill	03/04/2021		2/4-3/4	265.920 · Utilities	256.10
Bill	03/05/2021		2/5-3/5	266.920 · Utilities	314.10
Total INDIANA MICHIGAN POWER					570.20
KRUGGEL, LAWTON & COMPANY, LLC					
Bill	02/28/2021	3414...	AUDIT - FINAL BILL	202.801 · Professional Serv...	1,200.00
Total KRUGGEL, LAWTON & COMPANY, LLC					1,200.00
LAND INFORMATION ACCESS ASSOCIATION					
Bill	03/05/2021	7279	HOSTING	105.818 · Council - Contrac...	32.50
Total LAND INFORMATION ACCESS ASSOCIATION					32.50
LAW OFFICE OF ATTORNEY SARA SENICA PLLC					
Bill	03/11/2021		NB SPECIAL ASSESSMENT	105.801 · Professional Serv...	1,600.00
Total LAW OFFICE OF ATTORNEY SARA SENICA PLLC					1,600.00

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Village of Grand Beach-General Fund
OPEN INVOICE REPORT
As of March 12, 2021

Type	Date	Num	Memo	Split	Open Balance
METLIFE - GROUP BENEFITS					
Bill	03/09/2021		TS05945291 0001	855.855 · Life & Disability In...	503.06
Total METLIFE - GROUP BENEFITS					503.06
MI MUNICIPAL LEAGUE LIABILITY					
Bill	03/11/2021	1169...	LIABILITY INS. EFF 3/11/21	-SPLIT-	21,325.70
Total MI MUNICIPAL LEAGUE LIABILITY					21,325.70
MI MUNICIPAL LEAGUE W/C					
Bill	02/12/2021	1293...	AUDIT 7/1/19-7/1/20	871.871 · Workers Compen...	324.00
Total MI MUNICIPAL LEAGUE W/C					324.00
NAPA AUTO PARTS					
Bill	02/15/2021	4302...	FILTER	266.778 · Repairs & Maint ...	46.07
Bill	02/16/2021	4303...	FILTERS, OIL	266.778 · Repairs & Maint ...	229.05
Bill	03/01/2021	4309...	100 W. 12 V. INVERTER	266.778 · Repairs & Maint ...	19.99
Total NAPA AUTO PARTS					295.11
NEW BUFFALO HARDWARE					
Bill	02/10/2021	A179...	TAPE	266.778 · Repairs & Maint ...	10.98
Bill	02/25/2021	A180...	BOLTS & WASHERS	266.778 · Repairs & Maint ...	45.95
Total NEW BUFFALO HARDWARE					56.93
PRIORITY HEALTH					
Bill	03/07/2021		GROUP ID 795207	852.852 · Hospitalization	6,135.17
Total PRIORITY HEALTH					6,135.17
REPUBLIC SERVICES					
Bill	02/28/2021	0715...	3-0715-1003848 MARCH	520.818 · Contractual Servi...	4,505.00
Total REPUBLIC SERVICES					4,505.00
RIGGS OUTDOOR POWER-LAPORTE					
Bill	01/26/2021	8779...	RUBBER DEFLECTOR KIT & ...	266.778 · Repairs & Maint ...	289.00
Total RIGGS OUTDOOR POWER-LAPORTE					289.00
SCHNEIDER'S LOCK & SECURITY					
Bill	03/03/2021	17587	DOOR KNOB COUNCIL ROOM	265.778 · Repair and Maint ...	235.00
Total SCHNEIDER'S LOCK & SECURITY					235.00
THE TECH OF SOUTHWEST MICHIGAN					
Bill	03/02/2021	27699	FIREWALL & WIFI APRIL	-SPLIT-	132.67
Total THE TECH OF SOUTHWEST MICHIGAN					132.67
THREE OAKS FORD					
Bill	03/08/2021		2017 EXPLORER BRAKES, OI...	300.933 · Vehicle Maintena...	218.13
Total THREE OAKS FORD					218.13

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Village of Grand Beach-General Fund
OPEN INVOICE REPORT
As of March 12, 2021

Type	Date	Num	Memo	Split	Open Balance
TIM PENDERGAST					
Bill	03/09/2021		TELEPHONE ALLOWANCE	266.850 · Telephone & Inter...	50.00
Total TIM PENDERGAST					50.00
TRI-STATE ELECTRICAL SUPPLY, INC.					
Bill	02/22/2021	21488	BULBS-GARAGE	266.778 · Repairs & Maint ...	68.94
Total TRI-STATE ELECTRICAL SUPPLY, INC.					68.94
VILLAGE OF MICHIANA					
Bill	03/09/2021		POLICE SERVICES FEBRUARY	300.818 · Contractual Servi...	2,500.00
Total VILLAGE OF MICHIANA					2,500.00
VSP INSURANCE CO. (CT)					
Bill	03/08/2021		30092372 VISION	852.852 · Hospitalization	105.96
Total VSP INSURANCE CO. (CT)					105.96
TOTAL					43,626.50

10:56 AM

03/12/21

Village of Grand Beach - Water Fund

OPEN INVOICE REPORT

As of March 12, 2021

Type	Date	Num	Memo	Split	Open Balance
INDIANA MICHIGAN POWER					
Bill	03/04/2021		2/4-3/4	920.000 · Utilities	113.87
Bill	03/05/2021		2/5-3/5	920.000 · Utilities	82.36
Bill	03/05/2021		2/5-3/5	920.000 · Utilities	68.82
Total INDIANA MICHIGAN POWER					265.05
KRUGGEL, LAWTON & COMPANY LLC					
Bill	02/28/2021	341408	AUDIT-FINAL BILLING	801.000 · Profession...	480.00
Total KRUGGEL, LAWTON & COMPANY LLC					480.00
MI MUNICIPAL LEAGUE LIABILITY					
Bill	02/03/2021	1169206	INSURANCE EFF. 3-11-21	865.000 · Insurance ...	1,772.40
Total MI MUNICIPAL LEAGUE LIABILITY					1,772.40
MICHIANA WATER AUTHORITY					
Bill	03/01/2021		3/1/2021 READING	927.000 · Water Pur...	6,041.20
Total MICHIANA WATER AUTHORITY					6,041.20
TOTAL					8,558.65

11:08 AM
03/12/21

Village of Grand Beach-Golf Fund
OPEN INVOICE REPORT
As of March 12, 2021

Type	Date	Num	Memo	Split	Open Balance
INDIANA MICHIGAN POWER					
Bill	03/04/2021		2/4-3/4	000.920 · Utilities	28.14
Total INDIANA MICHIGAN POWER					28.14
KRUGGEL, LAWTON & COMPANY, LLC					
Bill	02/28/2021	341408	AUDIT-FINAL BILLING	000.902 · Professional ...	360.00
Total KRUGGEL, LAWTON & COMPANY, LLC					360.00
MI MUNICIPAL LEAGUE LIABILITY					
Bill	02/03/2021	1169206	INSURANCE 3/11/21	000.865 · Insurance & ...	2,468.70
Total MI MUNICIPAL LEAGUE LIABILITY					2,468.70
SERVISCAPE					
Bill	02/28/2021		FEBRUARY	-SPLIT-	4,561.02
Total SERVISCAPE					4,561.02
THE TECH OF SOUTHWEST MICHIGAN					
Bill	03/02/2021	27699	FIREWALL APRIL	000.818 · Contractual ...	34.33
Total THE TECH OF SOUTHWEST MICHIGAN					34.33
WAYNE HEATING & AIR CONDITIONING					
Bill	02/11/2021	1820	FURNACE-PUMP HOUSE	000.985 · Equipment P...	3,744.00
Total WAYNE HEATING & AIR CONDITIONING					3,744.00
TOTAL					11,196.19

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03/12/21

Village of Grand Beach - Major Street Fund
OPEN INVOICE REPORT
As of March 12, 2021

Type	Date	Num	Memo	Split	Open Balance
KRUGGEL, LAWTON & COMPANY, LLC					
Bill	02/28/202	341408	AUDIT-FINAL BILL...	215.801 · Professional Se...	120.00
Total KRUGGEL, LAWTON & COMPANY, LLC					120.00
MICHIGAN MUNICIPAL LEAGUE LIABILITY					
Bill	02/03/202	1169206	INSURANCE EFF. ...	215.865 · Insurance & Bo...	126.60
Total MICHIGAN MUNICIPAL LEAGUE LIABILITY					126.60
VERSAW EARTHWORKS LLC					
Bill	01/21/202	1071	SAND	478.782 · Winter Street S...	131.04
Total VERSAW EARTHWORKS LLC					131.04
TOTAL					377.64

10:25 AM
03/12/21

Village of Grand Beach - Local Streets Fund
OPEN INVOICE REPORT
As of March 12, 2021

Type	Date	Num	Memo	Split	Open Balance
KRUGGEL, LAWTON & COMPANY, LLC					
Bill	02/28/2021	341408	AUDIT-FINAL BILLING	215.801 · Professional ...	<u>120.00</u>
Total KRUGGEL, LAWTON & COMPANY, LLC					120.00
MICHIGAN MUNICIPAL LEAGUE LIABILITY					
Bill	02/03/2021	1169206	INSURANCE EFF 3/1...	215.865 · Insurance & B...	<u>126.60</u>
Total MICHIGAN MUNICIPAL LEAGUE LIABILITY					126.60
VERSAW EARTHWORKS LLC					
Bill	02/20/2021	1071	SAND	478.782 · Winter Street ...	<u>87.36</u>
Total VERSAW EARTHWORKS LLC					<u>87.36</u>
TOTAL					<u><u>333.96</u></u>

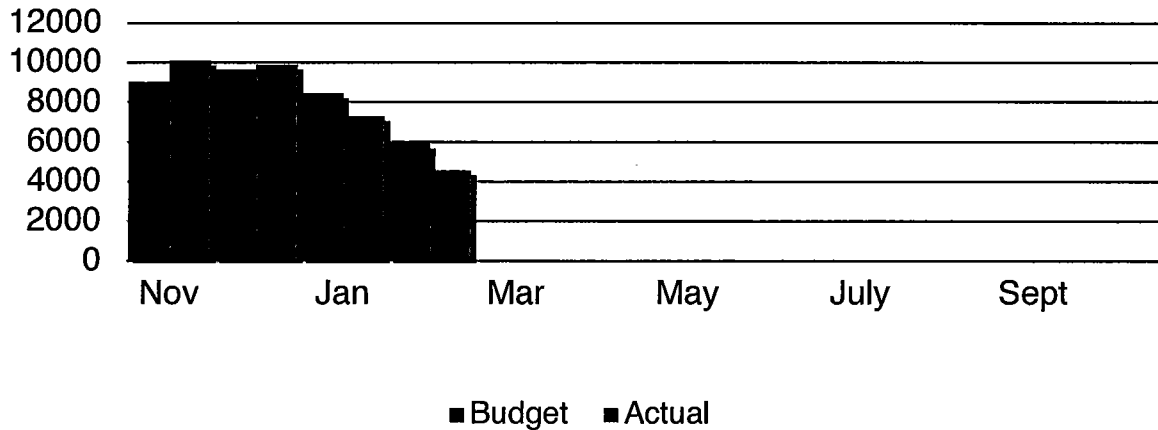
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03/12/21

Village of Grand Beach - Building Inspection Fund OPEN INVOICE REPORT

As of March 12, 2021

Type	Date	Num	Memo	Split	Open Balance
KRUGGEL, LAWTON & COMPANY, LLC					
Bill	02/28/2021	341408	AUDIT-FINAL BILLING	000.801 · Professional Services	120.00
Total KRUGGEL, LAWTON & COMPANY, LLC					120.00
MI MUNICIPAL LEAGUE LIABILITY					
Bill	02/03/2021	1169...	Bldg & Electrical Inspector C...	000.865 · Insurance & Bonds	296.00
Total MI MUNICIPAL LEAGUE LIABILITY					296.00
WILLIAM H. LAMBERT					
Bill	03/12/2021		INSPECTIONS	000.500 · Building Inspection Fees	3,066.97
Total WILLIAM H. LAMBERT					3,066.97
TOTAL					3,482.97



March 17, 2021

Dear Grand Beach Council,

We are happy to provide you with the March Golf Course Maintenance Report.

Financial

Year to date we are \$197 under budget.

Course News & Conditions

- Winter equipment maintenance is complete.
- Snowmobile stakes have been removed from the golf course.
- Spring cleanup on the golf course will begin the week of March 15th.

Respectfully Submitted,

Clay Putnam
ServiScape, LLC

SUPERINTENDENT'S REPORT

March 10, 2021

HALL - GROUNDS - MAINTENANCE GARAGE

Cleaned Maintenance garage.

STREETS - PARKS - BEACHES

Weekly Brush and Bag Pickup.

Cleaned out storm drains.

Snow and ice removal in the Village.

Repaired potholes on major and local streets with asphalt patch.

Cleaned up garbage along roadsides.

WATER DEPARTMENT

Sampled water February 28, 2021 and took to New Buffalo water treatment plant for analysis.

Submitted monthly reports for February readings to State of Michigan on March 10, 2021.

Repaired broken water main on Perkins Blvd.

EQUIPMENT

Service, Oil and grease equipment.

Respectfully Submitted



Robert Dabbs
Superintendent

Grand Beach/Michiana Police Offense Summary

Occurred 2/1/2021 - 2/28/2021

Offense	Total Offenses
2202 - 22001 - Burglary - Forced Entry - Residence (Including Home Invasion)	1
2902 - 29000 - Damage to Property - Private Property	1
5308 - 53002 - False Fire Alarm	1
98007 - 9944 - Open Door on Residence	1
9910 - 93001 - Traffic, Non-Criminal - Accident	3
9943 - 98007 - Inspections/Investigations - Suspicious Situations	10
9945 - 98009 - Inspections/Investigations - Drug Overdose	1
9953 - 99008 - Miscellaneous - General Assistance	5
9954 - 99009 - Miscellaneous - Non-Criminal	1
9956 - 99008 - Miscellaneous - Assist to Other Police Agency	3
9957 - 99008 - Miscellaneous - Residential/Business/Bank Alarm - False	8
Total	35

I would like to recognize Assistant Chief Flick for his quick action in administering Narcan to a victim of a prescription drug overdose, the victim was awake and talking while enroute to the hospital because of Assistant Chief Flick's training and quick response.

Respectfully Submitted,



Ryan Layman, Chief of Police

VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN - STATE OF MICHIGAN

RESOLUTION NO. 2021-03

A RESOLUTION ELECTING TO COLLECT DELINQUENT PROPERTY TAXES WITH INTEREST UNTIL THE LAST BUSINESS DAY OF FEBRUARY, AND THAT TAXES SHALL BE RETURNED DELINQUENT TO THE BERRIEN COUNTY TREASURER ON MARCH 1 FOR COLLECTION.

At a Regular Meeting of the Village Council, of the Village of Grand Beach, County of Berrien, State of Michigan, held electronically on the 17th day of March, A.D., 2021 at 7:00 o'clock p.m., Eastern Standard Time in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 15.264), and pursuant to the provisions of enrolled Senate Bill 1246, Public Act 254 of 2020 amending the Open Meetings Act to meet remotely.

PRESENT: Council Members: _____

ABSENT: Council Members: _____

The following preamble and resolution was offered by Council Member _____ and seconded by Council Member _____.

WHEREAS, MCL 69.18(2) provides that taxes collected by the Village shall be returned delinquent to the County Treasurer on September 15 unless the governing body of the Village by Resolution adopted on or before June 1 of 2021 determines that the Village taxes shall be returned to the County Treasurer on the same date that County taxes are returned delinquent for collection; and

WHEREAS, it is deemed in the best interest of the Village and its residents that the Village collect delinquent taxes through the last business day in February and return any other delinquent taxes to the County Treasurer on March 1; and

WHEREAS, interest will be added to delinquent taxes at a rate of 1% interest per month or partial month; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Village of Grand Beach Council determines that the Village shall collect taxes through the last business day in February, and return the delinquent taxes to the Berrien County Treasurer on the same date that County taxes are returned delinquent for collection; and

BE IT FURTHER RESOLVED that this Resolution shall be forwarded to the County Treasurer on or before June 1, 2021,

BE IT FURTHER RESOLVED that the Village tax bill for each year or a separate enclosure included with the tax bill shall specify where such delinquent taxes are to be paid.

AYES: _____

NAYS: _____

ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

MARY J. ROBERTSON, Village Clerk

CERTIFICATION

I, MARY J. ROBERTSON, duly appointed Village Clerk in and for the Village of Grand Beach, County of Berrien, State of Michigan, do certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Village Council during its regular (electronic) meeting, held March 17, 2021, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Village Clerk

VILLAGE OF GRAND BEACH
 BUDGET AMENDMENT
 CAPITAL PROJECTS 2020-2021
 MEETING ON MARCH 17, 2021

Account #	Revenue Accounts Account Name	Inc (+) Decr. (-)	Amount
Total Change in Revenue:			0

Account #	Expense Accounts Account Name	Inc (+) Decr. (-)	Amount
801-716	Dump/Plow Truck	+	\$42,000.00
801-732	Leaf Vacuum Unit	+	\$1,000.00

Total Change in Expenses: + \$43,000.00

Net Effect on Budget **Increase in Expenses** + **\$43,000.00**

This amendment is for the purchase of the 2020 Dodge Dump truck and expenditures for the leaf vacuum unit.

VILLAGE OF GRAND BEACH
 BUDGET AMENDMENT
 MAJOR STREETS 2020-2021
 MEETING ON MARCH 17, 2021

Account #	Revenue Accounts Account Name	Inc (+) Decr. (-)	Amount
Total Change in Revenue:			0

Account #	Expense Accounts Account Name	Inc (+) Decr. (-)	Amount
463-782	Street Supplies	+	\$2,500.00
Total Change in Expenses:		+	\$2,500.00
Net Effect on Budget	Increase in Expenses	+	\$2,500.00

This amendment is for the replacement of guard rail where Grand Beach Road goes over White Creek.

Digital EGLE/USACE Joint Permit Application (JPA) for Inland Lakes and Streams, Great Lakes, Wetlands, Floodplains, Dams, Environmental Areas, High Risk Erosion Areas and Critical Dune Areas

version 1.22

(Submission #: HP4-B68W-BJJ6R, version 2)

Details

Submission ID HP4-B68W-BJJ6R

Submission Reason New

Form Input

Instructions

[To download a copy or print these instructions, Please click this link \(recommended\).](#)

The EGLE/USACE "Joint Permit Application" (JPA)

READ THOROUGHLY BEFORE STARTING THE FORM

It is recommended to download a pdf of this page at www.michigan.gov/jointpermit for reference while filling out the form. Please also refer to this website for additional information regarding this form, including a glossary and other helpful resources on information required to be submitted in this form.

This is the Joint Permit Application (JPA) for construction activities where the land meets the water. This application covers permit requirements derived from state and federal rules and regulations for activities involving:

Wetlands
Floodplains
Marinas
Dams
Inland Lakes and Streams
Great Lakes Bottomlands
Critical Dunes
High Risk Erosion Areas

This application prevents duplication of state and federal forms for these activities and provides concurrent review under all pertinent state and federal laws. In the case of U.S. Army Corps of Engineers (USACE) jurisdiction, the Michigan Department of Environment, Great Lakes, and Energy will also send a copy of this Joint Permit Application to the USACE for simultaneous processing. The Michigan Department of Environment, Great Lakes, and Energy will provide coordination between state and federal agencies during the application review.

This application form is set up with the following sections to be completed by the applicant (note that it is recommended to gather all this information prior to starting this form):

Contact Information:

Applicant, Property Owner(s), Consultant(s), and any other Authorized Representative(s)

Authorizations are required from the property owner for:

- when the applicant is not the owner,
- when there is a consultant/representative for the applicant,
- when spoils disposal locations are not on site,

- when other permissions are necessary based on project specifics and are identified by the form.

Project Location Information:

Address, coordinates, and directions to the site, etc.

Background Information:

Existing site conditions, other related permits, existing easements/encumbrances, other related application numbers (pre-application meetings, Wetland Identification Program, etc.)

Permit Application Category and Public Notice Information:

This section asks what permit application category you believe fits your project. While this is not required to submit the application, knowing this will also help you submit the right permit application fee and avoid a correction request and processing delays.

The choices of permit application categories to select in the form are:

General Permit, \$50 fee (https://www.michigan.gov/documents/deq/wrd-general-permit-categories_555828_7.pdf)

Minor Project, \$100 fee (https://www.michigan.gov/documents/deq/wrd-minor-project-categories_555829_7.pdf)

Public Notice Individual Permit, range from \$500-\$4,000 depending on type of activity. For High Risk Erosion Areas and Critical Dune Areas fees for Public Notice individual permit applications can range from \$50-\$4000. Additional fees may be applied for some special project requirements such as hydraulic analysis, dam projects, and a special exception application in a critical dune area. See Fee Schedule on website for more information.

Unsure, select this and the permit reviewer will make the determination on permit type after the application is submitted based on the project details. However, some fee is required to be submitted with the application. If an additional fee is required, the Michigan Department of Environment, Great Lakes, and Energy will send a correction request that will show the remaining amount required. The application will not be considered complete without the proper fee.

Adjacent Landowner contact information for Public Notice projects is required by law. This includes any parcels touching the project parcel and parcels across the street.

Project Description:

Information on the Proposed Use and Purpose of the project (who and what the project is intended for and why it is needed). This includes a written summary of the project as well as a list of project uses and types to select from as follows:

Project Use Selections:

Private
Commercial
Public/Gov/Tribal
Federal/State funded
Non-Profit
Other

Project Type Selections:

Agriculture
Airport
Development- Condo/ Subdivision/Residential
Development-Commercial/ Industrial
Drain-County
Drain-Private
Drawdown
Lake, Drawdown
Wetland Forestry
Landfill
Marina/Mooring Facility
Marine Railway
Mining-Mineral,
Mining-Sand and Gravel
Private Residence
Restoration-Wetland
Restoration-Stream
Transportation
Septic System Surveying or Scientific Measuring Device
Utility-Electrical, Fiber optic
Utility-Oil and gas pipelines
Utility-Sewer/water line
Other

Construction Details including sequencing, timeframes, SESC measures, etc.

Alternatives Analysis detailing all options considered and why this is the least impactful feasible and prudent proposal. The depth of this analysis is typically commensurate with the size and purpose of the project and at minimum should include variables such as alternate locations (including other properties), configurations and sizes (layout and design), and methods (construction technologies), and other constraints (local regulations, resource issues). Discussion should also include why the do nothing alternative is not feasible or prudent.

Project Compensation:

Narrative of how proposed impacts will be compensated (mitigated or other minimization measures), including amount, location, and method; or why mitigation should not be required. This can be traditional mitigation and/or other techniques used to minimize overall loss of functions.

Resource and Activity Type. This section is intended to determine what additional sections of the application are generated (as seen on the left side of the screen) for further information gathering. This includes questions regarding what Resource feature is involved (e.g., wetland, stream, floodplain, pond, dam, critical dune, etc.) and if there are identified Special Activities (i.e., activities requiring a specific series of questions to be answered). Be sure to choose all that apply to your project. If your activity is not listed, choose None of the Above and move on to the next question. More specific activity questions will appear later based on the resource section answers.

Resource Information and Impacts Sections (Multiple Sections). These are a series of sections that will appear on the left side of the screen based on your answers to the Resource and Activity Types section. You will input further information on the existing resources to be impacted (e.g., wetland type, permanent or temporary impact, water elevation data, drainage area, etc.) and all proposed Project Activities with their Dimensions (e.g., length, width, depth, square footage). For example, when Wetland is selected as a resource that your project will involve, a Wetland Project Information and Impacts section will appear on the left side of the screen that includes questions specific to gathering information about the wetland.

For projects including Floodplains, Marinas, Dams, Critical Dunes, or High Risk Erosion Areas individual sections will appear on the left side of the screen that include different sets of specialized questions as required by those programs. These sections do not share a specific format. Help tips will guide you in filling out these sections.

For projects including wetlands, ponds, inland lakes, streams, or the Great Lakes resources, individual sections will appear on the left side of the screen that are similar in format to each other. Each of these resource sections asks initial general information and then has additional questions regarding the Types of Activities proposed for each resource. The outline for these resource activity impacts questions is Activity Type, Dimensions Table, and Special Questions.

There are four overall Types of Activities groups for wetlands, ponds, inland lakes, streams or the Great Lakes:

- Fill Activities
- Dredge Activities
- Structure Activities
- Other Activities

Under each of these Types of Activity questions, specific activity lists will be shown that are typical for that type (fill, dredge, structure, other) and resource (wetland, lake, stream, etc). Follow these steps to accurately fill out the Activity Type Questions:

1. Start with the Fill question and choose any activities on the list that is included in your project. If your activity is not shown, then select None of the Above and move to the next question.
2. When you select an activity listed under Fill, Dredge, Structure, or Other, a dimensions table will appear under that question. This table is where you enter EACH activity OF THE TYPE YOU SELECTED and associated dimensions. Be sure that all the activities you selected are also listed in the table with the dimensions. Multiple activities covering the same footprint may be combined on one line in the table (for example, riprap on slopes of driveway fill can be entered on the same impact dimensions line and does not necessarily need to be broken out).
3. Continue to answer the Activity Type questions (Fill, Dredge, Structure, Other) until all have been answered with either a specific Activity listed under that Type or None of the Above. If you did not find your activity in any list then select Other and provide a description of your activity in the space that appears. Please be as descriptive as possible.

Proposed mitigation questions may appear within specific resource types sections based on your answers. Enter any proposed mitigation in the appropriate section (wetland, stream, etc.) and if no mitigation is proposed you must provide commentary with an explanation as to why it is not required. Mitigation plans according to the mitigation checklist ([link](#)) are required for a complete application. When mitigation is proposed be sure to also select mitigation in the Permit Application Type section under the second question.

In the above sections, uploads will be prompted as required by the answers to questions. These should be uploaded in these location (ex, mitigation plans should be uploaded in the mitigation section). Please do not wait to upload one large document with all plans combined at the end. Note that each individual upload is limited to 10M.

Upload of Proposed Site Plans.

Any plans or explanatory narratives not requested in previous sections should be uploaded in this section. Construction Plans

including overhead view, cross sections, and profiles showing each impact either to-scale or with dimensions are required and typically would be uploaded here. Plan labels should correspond with labels entered in the form for each activity selected. The application will not be complete without the proper site plans. If drawings are not received with all required dimensions and resources identified, then the Michigan Department of Environment, Great Lakes, and Energy will send a correction request and your application processing will be delayed. However, please limit drawings, plans, and narratives submitted to the items necessary for permit review. For example, entire bid package documents and CAD drawings are often not helpful for permit review and may cause delays from wading through extraneous information. Plans, profiles and cross sections specific to the resource impacts are the most helpful.

Review:

This section allows you to see the entire form with the answers you entered. Please review for accuracy prior to hitting the submit button. A print option is provided on this screen (print to PDF is recommended). Once the application is submitted you may not make changes to it until the application has been assigned to a staff person.

Certify & Submit:

This is the final section of the application form. The **Submit Form** button selection certifies that all information in the application is true and accurate and that you have the authority to apply for the permit as indicated. This application will become part of public record.

We recommend that you have the above information ready prior to starting this application. You will be able to save in-progress applications and come back later, but all required uploads and questions are necessary before the system will allow submittal of the application. Some sections of this application form load faster than others depending on the complexity of the questions. Thanks for your patience while you work through the application. For assistance with this form visit: <https://www.michigan.gov/jointpermit>

[Click here for additional information on maps, drawings, and other attachment](#)

Contact Information

Applicant Information (Usually the property owner)

First Name Last Name

Dorothy Malachowski

Organization Name

NONE PROVIDED

Phone Type Number Extension

Home 847-323-7995

Email

dorothymalachowski@yahoo.com

Address

1426 Semar Court
Mount Prospect, IL 60056

Is the Property Owner different from the Applicant?

No

Has the applicant hired an agent or cooperating agency (agency or firm assisting applicant) to complete the application process?

Yes

Upload Attachment for Authorization from Agent

[LOA_Village of Grand Beach.pdf - 02/18/2021 09:42 AM](#)

[Signed LOA_Malachowski.pdf - 02/18/2021 09:47 AM](#)

Comment

NONE PROVIDED

Agent Contact

First Name **Last Name**
Michael *Morphey*

Organization Name
Abonmarche

Phone Type **Number** **Extension**
Business 2699272295 113

Email
mmorphey@abonmarche.com

Address
95 West Main Street
Benton Harbor, MI 49022

Are there additional property owners or other contacts you would like to add to the application?
No

Project Location

DEQ Site Reference Number (Pre-Populated)
3972377124224989921

Project Location
41.774620510633575,-86.79470482828272

Project Location Address
48001 Ridge Road
Grand Beach, MI 49117

County
Berrien

Is there a Property Tax ID Number(s) for the project area?
Yes
Please enter the Tax ID Number(s) for the project location
11-39-6750-0010-00-7

Is there Subdivision/Plat and Lot Number(s)?
No

Is this project within Indian Lands?
No

Local Unit of Government (LUG)
Village of Grand Beach

Directions to Project Site
- Turn onto Grand Beach Road from Highway 12 - Turn right onto Royal Avenue - Continue right onto Perkins Boulevard - Turn left onto Maple Avenue - Turn right onto Holiday Hills - Turn left onto Walnut Avenue - Turn right onto Ridge Road - Destination is on left

Background Information

Has the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and/or United States Army Corps of Engineers (USACE) conducted a pre-application meeting/inspection for this project?
No

Has the EGLE completed a Wetland Identification Program (WIP) assessment for this site?
No

Environmental Areas are coastal wetlands on the shorelines of the Great Lakes. Enter this number only if a designated Environmental Area is in the proposed project area. Environmental Areas are designated locations along the Great Lakes shoreline. If you don't know whether there is an environmental area within the project area, leave blank. Additional information on Environmental Areas can be found by clicking the following link:

[Click Here for Link](#)

Environmental Area Number (if known):

NONE PROVIDED

Has the United States Army Corps of Engineers (USACE) completed either an approved or preliminary jurisdictional determination for this site?

No

Were any regulated activities previously completed on this site under an EGLE and/or USACE permit?

No

Have any activities commenced on this project?

No

Is this an after-the-fact application?

No

Are you aware of any unresolved violations of environmental law or litigation involving the property?

No

Is there a conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property?

No

Are there any other federal, interstate, state, or local agency authorizations associated with this project?

No

Permit Application Category and Public Notice Information

Project Category Selection:

The Permit Application Category you apply under is dependent on the type and scope of activities you are undertaking and the resources affected. There is a three-tier permitting process to aid in expediting permits for regulated activities that occur on wetlands, inland lakes and streams, and the Great Lakes (Parts 301, 303, and 325): General Permit, Minor Project, and Individual Permit.

Additionally, Minor Project categories exist for floodplains under the authority of Part 31.

General Permit and Minor Project categories generally meet specific Best Management Practices criteria that have been shown to minimize impacts to resources if followed correctly. If you select a General Permit or Minor Project Category you must select the specific category(ies) that your project fits under. Any project that does not fit a General or Minor Category are Individual Permit projects. All projects in Critical Dunes, High Risk Erosion Areas, or Dam Safety projects will be Individual Permit Projects.

Indicate the type of permit being applied for.

Minor Project for wetlands, lakes, streams, floodplains, or Great Lakes

[Link to General Permit Categories with Descriptions](#)

[Link to Minor Permit Categories with Descriptions](#)

[Link to Minor Project Category descriptions for Floodplain Only projects \(See R323.1316\)](#)

If you are applying for a minor project permit, which project type(s) is being proposed?

MP 41. Riprap Shoreline Protection

If you are applying for a general permit, which project type(s) is being proposed?

NO GP CATEGORY (MP Category only)

Project Description

Project Use: (select all that apply - Private, Commercial, Public/Government/Tribal, Receiving Federal/State Transportation Funds, Non-profit, or Other)

Private

Project Type (select all that apply):

Private Residence

Please enter your answers in the text box for the next four questions. If you have a long description, please use the document upload at the end of the section. Please make every effort to enter your information directly into the application text boxes. If the answer is in an attachment, please identify that in the text box below.

Project Summary (Purpose and Use): Provide a summary of all proposed activities including the intended use and reason for the proposed project.

The intent is to provide long-term shoreline protection, with the installation of a quarry stone revetment structure along the shoreline of the property to prevent further bluff erosion and, tie in with the neighboring revetment to the south. The revetment structure would be constructed using armor stone for the upper layer, and bedding stone and or limestone rip-rap for the lower layer; placed on geotextile fabric which will act as a filter layer. The structure will be constructed on a 1V: 2H slope, with excavation required to place the structure to the required slope where necessary. No new concrete will be imported for construction of the structure.

Project Construction Sequence, Methods, and Equipment: Describe how the proposed project timing, methods, and equipment will minimize disturbance from the project construction, including but not limited to soil erosion and sedimentation control measures.

Anticipated construction sequence: 1. Stockpile materials on Malachowski parcel. The existing Village of Grand Beach easement abutting the parcel directly to the south will be used to transport equipment and materials to the site. 2. Import and place geotextile, bedding&/RCP, and armor stone to create revetment structure; some trenching of toe may be required. Place excavated sand back over toe in nearshore system.

Project Alternatives: Describe all options considered as alternatives to the proposed project, and describe how impacts to state and federal regulated waters will be avoided and minimized. This may include other locations, materials, etc.

Alternative 1: Temporary Sandbags - eliminated due to limited capability to absorb and deflect wave energy Alternative 2: Install Steel Sheet Pile (SSP) Wall - eliminated due to volume of existing field stone/concrete rip-rap on-site and cost which would hinder/make difficult driving the sheets in-place. Alternative 3: Do nothing - eliminated due to immediate threat to personal safety and infrastructure

Project Compensation: Describe how the proposed impacts to state and federal regulated waters will be compensated, OR explain why compensatory mitigation should not be required for the proposed impacts. Include amount, location, and method of compensation (i.e., bank, on-site, preservation, etc.)

The proposed activity is necessary for safety and for protection of the property and site infrastructure. The proposed structure has been designed to minimize impacts to regulated waters to the extent practicable.

Upload any additional information as needed to provide information applicable to your project regarding project purpose sequence, methods, alternatives, or compensation.

[CDA Map.pdf - 12/10/2020 03:22 PM](#)

[Parcel Map and Report_Malachowski Parcel.pdf - 12/10/2020 03:22 PM](#)

[Directions to Malachowski Shoreline.pdf - 12/10/2020 03:22 PM](#)

Comment

NONE PROVIDED

Resource and Activity Type

Important! Answer all questions completely. Properly identifying your project in this section generates the proper application sections. Incomplete applications will require corrections before they can be fully processed.

SELECT THE ACTIVITIES from the list below that are proposed in your project (check ALL that apply). If you don't see your project type listed, select "Other Project Type". These activities listed require additional information to be gathered later in the application.

Shore Protection such as Seawalls, RipRap, and Bioengineering

The Proposed Project will involve the following resources (check ALL that apply).

Great Lake

Critical Dune Area

Major Project Fee Calculation Questions

Is filling of 10,000 cubic yards or more proposed (cumulatively) within wetlands, streams, lakes, or Great Lakes?

No

Is dredging of 10,000 cubic yards (cumulatively) or more proposed within streams, lakes, or Great Lakes? (wetlands not included)

No

Is new dredging or adjacent upland excavation in suspected contamination areas proposed by this application?

No

Is a subdivision, condominium, or new golf course proposed?

No

Great Lake Project Information (1 of 1)

Please Read

This section is for entering information regarding the impacts to a Great Lake only. Do not input information that pertains to other resources (inland lakes, streams, floodplains, etc.).

Projects located on the Great Lakes, including Lake St. Clair, may be required to secure leases or conveyances from the state of Michigan to place structures on the bottomlands. If a conveyance is necessary, an application must be submitted before the Joint Permit Application can be determined complete. For more information on Great Lakes bottomlands conveyances visit https://www.michigan.gov/deq/0,4561,7-135-3313_3677_3702-10865--,00.html
[Link to Great Lakes Bottomland Conveyances Information](#)

Enter the recent observed Great Lake water elevation at the project location. This information can be found on the USACE website link below or a relative elevation can be converted from a reference point or benchmark.

[Click here for link](#)

Great Lake Water elevation reference* (show elevation on plans with description):

IGLD 85

Great Lakes observed water elevation (feet)

580.4

Great Lake Average water depth at activity location in a normal year: (feet)

3

Date of observation (M/D/Y)

5/1/2018

Great Lakes Information Upload

NONE PROVIDED

Comment

NONE PROVIDED

Describe any measures used to retain sediment:

Excavation/dredging will be minimized when disturbing the bluff to achieve 1V: 2H slope. Excavated sand will be placed over the revetment toe and returned to the nearshore system.

Will a turbidity curtain be used during the proposed project?

No

If there are multiple Great Lakes associated with the project impacts, or different Ordinary High Water Mark (OHWM) elevation data, provide the information in duplicate Great Lakes project information tabs by clicking on DUPLICATE or ADD NEW below. This adds a new section where you will enter the information about additional project impacts.

Inland Lakes, Great Lakes and Stream Impacts (1 of 1)

PLEASE READ

This section will collect information regarding Inland Lakes, Great Lakes, and Streams impacts and activities only. The initial

questions are related to which waterbody the impacts pertain to. When there are multiple waterbodies (e.g., some impacts are on an inland lake and some impacts are on a stream), fill out a DUPLICATE tab for each waterbody impacted. For each waterbody, questions will be asked regarding the proposed activities. Proposed Activities questions are grouped into Fill, Dredge, Structures, Other and are only for the impacts related to these groups. Click [HERE](#) for more information on the Inland Lakes and Streams Protection Program.

[Link to information on Inland Lakes and Streams Permitting](#)

The following impact description applies to: (select only one at a time, duplicate this entire section if there are impacts to multiple waterbody types):

Great Lake

Acres of Inland lake/Great Lake affected by your project below the Ordinary High Water Mark:

Category	Acres
Permanent	0
Temporary	0
	Sum: 0

The following questions gather information on the specific Types of Activities your project includes that will impact INLAND LAKES, STREAMS, AND GREAT LAKES. There are four overall Types of Activities: Fill, Dredge, Structure, and Other. Under each of the Activity Type questions, specific activity lists will be shown. If the activity is not shown in the list given, select None of the Above and move to the next question. When you select an activity under Fill, Dredge, Structure, or Other, a table will appear under that type. Only enter the dimensions of the activity that are within INLAND LAKES, STREAMS, or GREAT LAKES. Multiple activities covering the same footprint may be combined on one line in the table. Continue to answer the Activity Type questions (Fill, Dredge, Structure, Other) until all have been answered with either a specific Activity listed under that Type or None of the Above . If you did not find your activity in any list then select Other, Other and provide a description of your activity.

Select from the following list all Fill Activities (select all that apply to this waterbody impacted):

No fill

Activities Involving Dredging or Excavation: Select from the following list for Excavation/Dredge Activities (select all that apply to this waterbody impacted):

Excavation for toestone installation

Projects involving Excavation/Dredging below the Ordinary High Water Mark:

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (cubic feet)	Volume (cubic yards)	Corrected value for complex impact Areas (square feet)
Slope Preparation/ Toestone placement	0	0	0	0	0	0	NONE PROVIDED
				Sum: 0	Sum: 0	Sum: 0	Sum: NaN

Has this area been previously dredged?

No

Is long-term maintenance dredging proposed?

No

What is the method used to be dredged?

Mechanical

Has the dredge material been tested?

No

Spoils Disposal

Will the excavation/dredge spoils be disposed of on site or off site?

On site

If your project includes STRUCTURES then select all of the proposed activities in the following list. If your activity is not shown, then select None of the Above and move to the next question. Only enter an impacted area in one of the impact tables (do not duplicate impact entries):

None of the above

If your project includes Other Activities not listed in this section, then select from the proposed activities in the following list. If your activity has not been listed in this Section, then select Other and enter a description of your activity. Only enter an impacted area in one of the impact tables (do not duplicate impact entries). If you selected a Fill, Excavation/Dredging, or Structure activity above in this section, but do not have an activity listed as Other, then select None of the Above for this question.

None of the above

Does the proposed project include mitigation?

none

If there are multiple waterbodies associated with the project impacts, or different Ordinary High Water Mark (OHWM) elevation data on the waterbody, provide the information in duplicate stream project information tabs by clicking on DUPLICATE or ADD NEW below. This adds a new section where you will enter the information about additional project impacts.

Shore Protection Project such as Seawalls, RipRap, or Bioengineering

Select all that apply to your project.

RipRap

Is a cumulative length of seawalls, bulkheads, or revetments of 500 feet or more in length proposed?

No

Is the proposed structure going to extend 150 feet or more into a lake or stream?

No

Distance from the project to the adjacent property lines

Distance from property line to the left (feet)	Distance from property line to the right (feet)
0	0

Distance of project from an obvious fixed structure (example - 50 ft from SW corner of house)

140 ft from NW face of house

Will any existing structures be removed as part of this project including walls or any other structure?

Yes

Please Describe.

Portions of an existing deck may be removed to install the proposed revetment.

Critical Dune Areas and High Risk Erosion Areas

GENERAL INFORMATION

All applications require scaled overhead and cross-section plans with property boundaries, locations, and dimensions of all existing structures and impacted areas, and all proposed structures, terrain alterations, and construction access. Cross-sections must show existing and proposed grades, including foundations. Sample application drawings are available at the program websites, www.mi.gov/criticaldunes and www.mi.gov/shorelands, respectively. Additional information may be required to complete the application review depending on the project's complexity. Although not required, submitting photographs of the site may provide for a faster application review.

Additional information on Critical Dunes

[DEQ Critical Dune Areas Webpage](#)

Additional information on High Risk Erosion Areas

[DEQ High Risk Erosion Areas Webpage](#)

PROPERTY INFORMATION

Year the current property boundaries were created:
0000

All property boundaries, proposed structure corners and uses must be staked before the WRD site inspection.
Provide the date the project was staked:
12/7/2020

SEWAGE DISPOSAL INFORMATION

Type of sewage disposal proposed, if any:
Does not apply to the project

Critical Dune Areas

Permits are required for activities considered a use or a contour change in a critical dune area.

Plans prepared by a registered architect or licensed professional engineer are required for some projects. These projects commonly include construction on slopes that measure greater than a 1-foot vertical rise in a 4-foot horizontal plane (25 percent) and construction within 100 feet of the dune crest.

There are projects which may require a special exception application and review in addition to the joint permit application. Please see the frequently asked questions for special exception applications at the program website.
[Click here for a list of common activities requiring a permit](#)

Select all activities that apply to this project:
Retaining walls and erosion protection devices: Cumulative length of 100 feet or less.

Project Information

Provide information about your project including the locations and sizes of proposed structures and the characteristics of the site.

Type of proposed activities including a home, utilities, and retaining walls. (*A home and garage are separate structures unless the garage is beneath the home)

Activity	Foundation type	Area (Length x Width) for activity (square feet):	Units
Other Structure	NA	2880	Square Feet

Type of existing structures/uses on site (*a home and garage are separate structures unless the garage is beneath the home).

Existing structures/use:	Foundation type:	Area (Length x Width) for each existing structure/use (square feet):	Units
Home	NA	2400	Square Feet

Does this project include the placement of fill in a Critical Dune Area?
Yes

Complete this table for projects involving Fill Above the Ordinary High Water Mark (OHWM) in Critical Dune Areas. Enter each activity/ location that corresponds with each activity selected in the previous question and enter the dimensions. Activities may be entered in one line of the table if they occupy the same impact footprint and cannot be broken out separately (Example: Activity - Driveway and Riprap slope). Multiple activities in different locations should be listed on different lines of the table.

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (Square Feet)	Volume (Cubic Yards)	Corrected Value for complex fill areas (square feet)
ARMOR STONE REVETMENT LAYER	72	29	3	2088	6264	232	NONE PROVIDED
RIPRAP/BEDDING STONE	72	29	2	2088	4176	155	NONE PROVIDED
				Sum: 4176	Sum: 10440	Sum: 387	Sum: NaN

Type of Fill

Other: Revetment construction using an armor stone and riprap/bedding stone layer composing the structure.

If retaining walls are proposed indicate the total linear feet. Remember to include all existing and proposed walls used for landscaping and driveways.

0

What is the maximum slope proposed to be impacted?

=/> 33.3%

Is the project within 100 feet measured landward from the dune crest?

Yes

Is sand being relocated onsite? If so, show location and access route on site plans.

On-site

Soil Erosion and Sedimentation Control (Part 91)

Local Soil Erosion and Sedimentation Control Agency

Attach the permit or letter from the County Enforcing Agent stating the project complies with Part 91, Soil Erosion and Sedimentation Control.

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Comment

NONE PROVIDED

Vegetation Assurance

The law requires the property owner provide an assurance that the cutting and removal of trees and other vegetation for a proposed use in a critical dune area will be in accordance with the Forest Management Guidelines prepared by the Michigan Society of American Foresters.

If you are proposing shore protection due to the high water levels on the Great Lakes, you may choose to agree to a vegetation assurance written specifically for this type of project by EGLE. If you do not agree to this vegetation assurance, then please upload a separate vegetation assurance. All other projects must upload a project-specific vegetation assurance.
[Frequently Asked Questions about a Vegetation Assurance](#)

Dune habitat present where work is proposed, including access route(s) (check all that apply):

Already Impacted/Existing Use

Is your project for shore protection due to the high water levels?

Yes

Vegetation Assurance for Shore Protection During High Water Levels

Directions: This vegetation assurance is for shore protection proposed only during high water levels. If you do not agree to this vegetation assurance, then you will be required to upload a separate vegetation assurance.

Project site description: The site is a lakeward facing slope adjacent to the water's edge.

Proposed development: Impacts to the existing vegetation are proposed only on the lakeward facing slope adjacent to the water's edge and within the area necessary to access the work site. Vegetation impacts will be minimized within the areas to the degree practicable.

Seasonal issues: Planting to restabilize the site will occur upon project completion but no later than the beginning of the next growing season.

Special considerations: The vegetation outside of the project footprint will be protected.

Proposed actions for maintaining site stability during and after construction: All vehicles and materials will be limited to the project area as identified on the submitted plans.

Proposed revegetation of the site: American beach grass (*Ammophila breviligulata*) plugs will be planted onsite. The grass will be planted upon project completion but no later than the beginning of the next growing season. The site will be monitored for a minimum of two years to ensure the grass is growing. Any dead plugs will be replaced. Trees and shrubs removed will be replanted with native species at a 1 to 1 ratio. Invasive plants will be removed from the site.

Please provide any additional comments on the Vegetation Assurance to which you are agreeing to comply.

NONE PROVIDED

Do you agree to the following based on the above list?: Yes, this vegetation assurance represents my site and I agree to abide by the requirements.

Yes

Utilities

If utility lines are proposed indicate the installation method.

No utility lines proposed

On the site plan show utility locations and dimensions, construction access route, and locations of vegetation to be removed. On the cross-sections show existing and proposed elevations.

Special Use

Is an application for special use being submitted as defined by MCL 324.35301 (j)?

No

Special Exception

For more information about Special Exceptions, please visit the following link.

[Click here for FAQs of a Special Exception Application in Critical Dune Areas](#)

Are you applying for a Special Exception?

Yes

To apply for a Special Exception, complete the following questions required by MCL 324.35317.

Provide a property survey showing those areas that are privately owned and publicly owned, including all easements and setbacks.

Submit a site plan prepared by a registered professional architect or a licensed professional engineer if required by Part 353 and they have not yet been submitted.

The application fee of \$2,000 will be included in this Joint Permit Application fee. This fee is in addition to the fee required for the permit application.

The definition section in Part 353 identifies the individual provisions that are part of the model zoning plan. Part 353 is available online at: Michigan.gov/CriticalDunes.

Frequently Asked Questions

Identify all sections of the model zoning plan under which the property owner is requesting relief in the form of a special exception.

MCL 324.35304(4) structure lakeward of crest

MCL 324.35316(1)(b) steep slopes

Identify the conditions of the land that make it practically difficult for the owner to comply with the dimensional requirements of the model zoning plan (MCL 324.35304 to 324.35309 and 324.35311a to 324.35324).

The revetment is not within an area of existing use. The structure will impact slopes equal to or steeper than 33% (MCL 324.35316(1)(b)). The structure is lakeward of the crest (MCL 324.35304(4)).

How will human health and safety be affected by the project as proposed with a special exception? Is human health and safety protected if the special exception is not granted? Please explain your answers.

Minimal to no risk to human health and safety is expected for this project as proposed with a special exception. Human health and safety is still protected and guaranteed regardless of special exception status. The distance between the home and the erosion hazard line (water level on day of site visit) is approximately 169 FT.

Provide documentation that the proposal complies with applicable local zoning, state, and federal laws.

See attached SESC permit #9621 issued 02/11/2021

Describe other pertinent or additional information you would like EGLE to include in the review.

N/A

Special Exception Additional Information Upload

NONE PROVIDED

Comment

NONE PROVIDED

Upload of Proposed Site Plans

REQUIRED Application, maps, and drawings:

- *Overall Project Site Plan
- *Cross-Sectional Drawings

For Part 315 Dam Safety applications attach detailed signed and sealed engineering plans for a Part 315 dam repair, dam alteration, dam abandonment, or dam removal.

[Examples site plan and cross-sectional drawings](#)

[For additional information on maps, drawings, and other attachments visit michigan.gov/jointpermit](#)

Required on all Site Plan uploads. Please identify that all of the following items are included on your plans that you upload with this application.

Site Plan Features	Existing and Proposed Plan Set
Scale, Compass North, and Property Lines	Yes
Fill and Excavation areas with associated amounts in cubic yards	Yes
Any rivers, lakes, or ponds and associated Ordinary High Water Mark (OHWM)	Yes
Exterior dimensions of Structures, Fill and Excavation areas associated with the proposed project	Yes
Dimensions to other Structures and Lot Lines associated with the project	Yes
Topographic Contour Lines from licensed surveyor or engineer when applicable	Yes

Upload Site Plans and Cross Section Drawings for your Proposed Project

[2021-02-26_20-1927 MALACHOWSKI SHORELINE JPA PLANS_sign-seal.pdf - 03/02/2021 04:28 PM](#)

Comment

NONE PROVIDED

Additional Required and Supplementary Documents

[CDA Map.pdf - 01/06/2021 02:18 PM](#)

[HREA Map.pdf - 01/06/2021 02:18 PM](#)

[Parcel Map and Report_Malachowski Parcel.pdf - 01/06/2021 02:18 PM](#)

[Directions to Malachowski Shoreline.pdf - 01/06/2021 02:18 PM](#)

Comment

NONE PROVIDED

Fees

The application fee identified in this section is a calculation based on answers to the questions in this application. This calculation is an estimate of the total fee and will be reviewed by the application processor to determine if any additional fees are required for a complete application.

Minor Project Fee:
+\$100.00

Critical Dune Areas Fee:
+\$2250.00

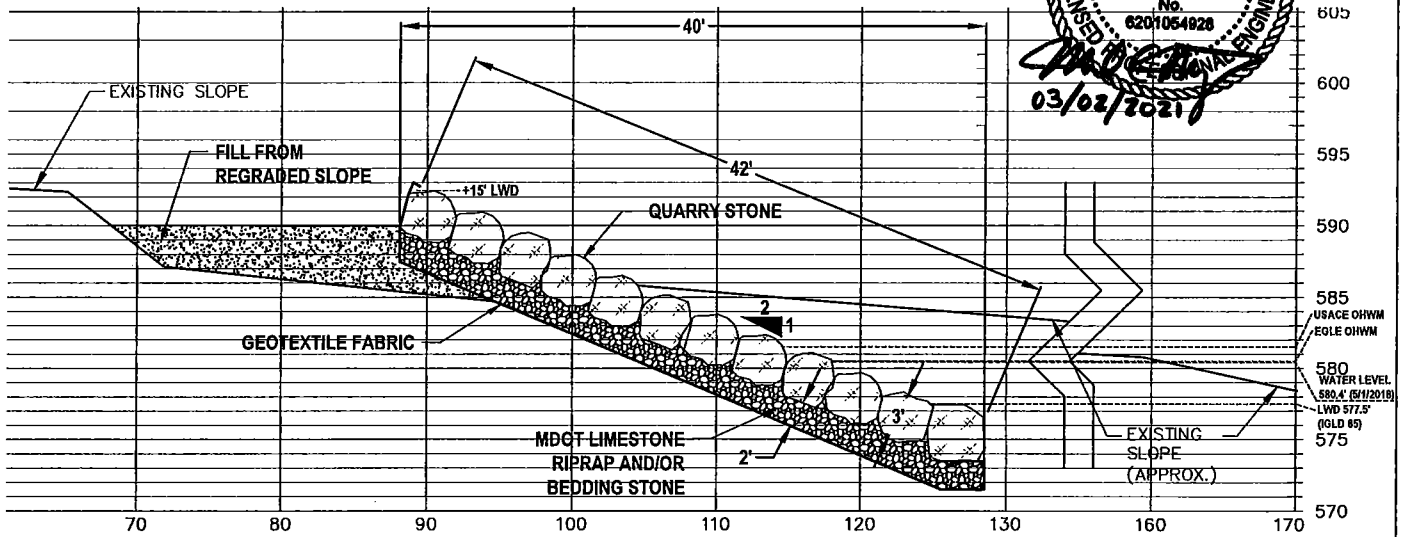
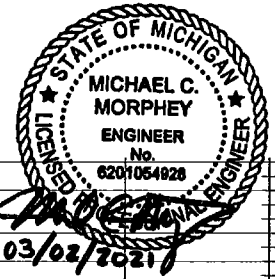
Total Fee Amount:
\$2350.00

Is the applicant or landowner a State of Michigan Agency?
No

Revisions

Revision	Revision Date	Revision By
Revision 1	11/17/2020 2:51 PM	Coastal Abonmarche
Revision 2	2/8/2021 3:19 PM	Coastal Abonmarche

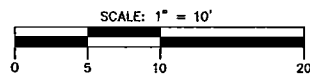
C:\Projects\2020\20-1927 Malachowski Shoreline\CAD_Civil\Drawings\20-1927 EM DRAFT.dwg, MALA PROP.XS, 2/26/2021 10:05:44 AM, overnight, 1:1



MATERIALS LEGEND

	ARMOR STONE		TIMBER PILE
	MATTRESS STONE		CLEAN BACKFILL

NOTE:
 1. ALL ELEVATIONS AND CONTOURS ARE IN REFERENCE TO THE INTERNATIONAL GREAT LAKES DATUM ESTABLISHED IN 1985 (IGLD 85) AND SURVEY ON 05/01/2018



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Engineering · Architecture · Land Surveying

PREPARED FOR:
**MALACHOWSKI SHORELINE
 CROSS SECTION B-B**

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SCALE: 1:10
JOB #: 20-1927
SHEET 5 OF 5

Malachowski Shoreline – Correction Requests and Additionality Revised Items

Please see the following items that have been revised per the correction requests posted to EGLE, in addition to other application revisions made resulting from revised permit drawings. They have been categorized per the respective application sections in the MiWaters form with revisions made in **font**, as follows:

Contact Information

- Correction Request #1 – Concrete: will new concrete be imported for the construction of the revetment?

Per EGLE requirements for Minor Permit 41 – Riprap Shoreline Protection, and general concerns regarding environmental impact, no new concrete material will be imported to site to construct the proposed revetment structure.

Per our discussions with the project Owner, we have since revised the proposed plan to reflect a bedding stone layer composed of limestone rip-rap.

- Correction Request #2 – “Letter of Authorization: Please provide a letter of authorization from the Village of Grand Beach for the use of their property to access the project site.”

Please see the attached Letter of Authorization from the Village of Grand Beach for use of their property to access the project site.

- Correction Request #3 – “Ongoing work at the site: Is the ongoing work and staging in front of the property for the proposed revetment or the revetment work happening further north on Ridge Road?”

Ongoing work and staging in front of the property is not for the proposed revetment structure. Ongoing activities are related to projects within the vicinity/ north of the Malachowski parcel.

- Correction Request #4 – “Stamped Plans: prior to permit issuance the plans stamped by a registered architect or a professional engineer will need to be provided as the project will impact slopes steeper than 25% (MCL 324.35316(1)(a)).
Please see the attached signed and sealed plan set prepared for the site.

- Correction Request #5– “Special Exception: based on a 1/27/2021 site inspection, the project will require a Special Exception for the following reasons:
 - The revetment is not within an area of existing use.
 - The structure is lakeward of the crest (MCL 324.35304(4))
 - The structure will impact slopes equal to or steeper than 33% (MCL 324.35316(1)(b))

ACI will prepare a check to satisfy the additional permitting fees for a special exemption. The special exemption portion of the application has also been completed per your 1/19 instruction.



Digital EGLE/USACE Joint Permit Application (JPA) for Inland Lakes and Streams, Great Lakes, Wetlands, Floodplains, Dams, Environmental Areas, High Risk Erosion Areas and Critical Dune Areas

version 1.22

(Submission #: HP4-HDDB-W38J5, version 4)

Details

Submission ID HP4-HDDB-W38J5

Submission Reason New

Form Input

Instructions

To download a copy or print these instructions. Please click this link (recommended).

The EGLE/USACE "Joint Permit Application" (JPA)

READ THOROUGHLY BEFORE STARTING THE FORM

It is recommended to download a pdf of this page at www.michigan.gov/jointpermit for reference while filling out the form. Please also refer to this website for additional information regarding this form, including a glossary and other helpful resources on information required to be submitted in this form.

This is the Joint Permit Application (JPA) for construction activities where the land meets the water. This application covers permit requirements derived from state and federal rules and regulations for activities involving:

Wetlands
Floodplains
Marinas
Dams
Inland Lakes and Streams
Great Lakes Bottomlands
Critical Dunes
High Risk Erosion Areas

This application prevents duplication of state and federal forms for these activities and provides concurrent review under all pertinent state and federal laws. In the case of U.S. Army Corps of Engineers (USACE) jurisdiction, the Michigan Department of Environment, Great Lakes, and Energy will also send a copy of this Joint Permit Application to the USACE for simultaneous processing. The Michigan Department of Environment, Great Lakes, and Energy will provide coordination between state and federal agencies during the application review.

This application form is set up with the following sections to be completed by the applicant (note that it is recommended to gather all this information prior to starting this form):

Contact Information:

Applicant, Property Owner(s), Consultant(s), and any other Authorized Representative(s)

Authorizations are required from the property owner for:

- when the applicant is not the owner,
- when there is a consultant/representative for the applicant,
- when spoils disposal locations are not on site,

- when other permissions are necessary based on project specifics and are identified by the form.

Project Location Information:

Address, coordinates, and directions to the site, etc.

Background Information:

Existing site conditions, other related permits, existing easements/encumbrances, other related application numbers (pre-application meetings, Wetland Identification Program, etc.)

Permit Application Category and Public Notice Information:

This section asks what permit application category you believe fits your project. While this is not required to submit the application, knowing this will also help you submit the right permit application fee and avoid a correction request and processing delays.

The choices of permit application categories to select in the form are:

General Permit, \$50 fee (https://www.michigan.gov/documents/deq/wrd-general-permit-categories_555828_7.pdf)

Minor Project, \$100 fee (https://www.michigan.gov/documents/deq/wrd-minor-project-categories_555829_7.pdf)

Public Notice Individual Permit, range from \$500-\$4,000 depending on type of activity. For High Risk Erosion Areas and Critical Dune Areas fees for Public Notice individual permit applications can range from \$50-\$4000. Additional fees may be applied for some special project requirements such as hydraulic analysis, dam projects, and a special exception application in a critical dune area. See Fee Schedule on website for more information.

Unsure, select this and the permit reviewer will make the determination on permit type after the application is submitted based on the project details. However, some fee is required to be submitted with the application. If an additional fee is required, the Michigan Department of Environment, Great Lakes, and Energy will send a correction request that will show the remaining amount required. The application will not be considered complete without the proper fee.

Adjacent Landowner contact information for Public Notice projects is required by law. This includes any parcels touching the project parcel and parcels across the street.

Project Description:

Information on the Proposed Use and Purpose of the project (who and what the project is intended for and why is it needed).

This includes a written summary of the project as well as a list of project uses and types to select from as follows:

Project Use Selections:

- Private
- Commercial
- Public/Gov/Tribal
- Federal/State funded
- Non-Profit
- Other

Project Type Selections:

- Agriculture
- Airport
- Development- Condo/ Subdivision/Residential
- Development-Commercial/ Industrial
- Drain-County
- Drain-Private
- Drawdown
- Lake, Drawdown
- Wetland Forestry
- Landfill
- Marina/Mooring Facility
- Marine Railway
- Mining-Mineral,
- Mining-Sand and Gravel
- Private Residence
- Restoration-Wetland
- Restoration-Stream
- Transportation
- Septic System Surveying or Scientific Measuring Device
- Utility-Electrical, Fiber optic
- Utility-Oil and gas pipelines
- Utility-Sewer/water line
- Other

Construction Details including sequencing, timeframes, SESC measures, etc.

Alternatives Analysis detailing all options considered and why this is the least impactful feasible and prudent proposal. The depth of this analysis is typically commensurate with the size and purpose of the project and at minimum should include variables such as alternate locations (including other properties), configurations and sizes (layout and design), and methods (construction technologies), and other constraints (local regulations, resource issues). Discussion should also include why the do nothing alternative is not feasible or prudent.

Project Compensation:

Narrative of how proposed impacts will be compensated (mitigated or other minimization measures), including amount, location, and method; or why mitigation should not be required. This can be traditional mitigation and/or other techniques used to minimize overall loss of functions.

Resource and Activity Type. This section is intended to determine what additional sections of the application are generated (as seen on the left side of the screen) for further information gathering. This includes questions regarding what Resource feature is involved (e.g., wetland, stream, floodplain, pond, dam, critical dune, etc.) and if there are identified Special Activities (i.e., activities requiring a specific series of questions to be answered). Be sure to choose all that apply to your project. If your activity is not listed, choose None of the Above and move on to the next question. More specific activity questions will appear later based on the resource section answers.

Resource Information and Impacts Sections (Multiple Sections). These are a series of sections that will appear on the left side of the screen based on your answers to the Resource and Activity Types section. You will input further information on the existing resources to be impacted (e.g., wetland type, permanent or temporary impact, water elevation data, drainage area, etc.) and all proposed Project Activities with their Dimensions (e.g., length, width, depth, square footage). For example, when Wetland is selected as a resource that your project will involve, a Wetland Project Information and Impacts section will appear on the left side of the screen that includes questions specific to gathering information about the wetland.

For projects including Floodplains, Marinas, Dams, Critical Dunes, or High Risk Erosion Areas individual sections will appear on the left side of the screen that include different sets of specialized questions as required by those programs. These sections do not share a specific format. Help tips will guide you in filling out these sections.

For projects including wetlands, ponds, inland lakes, streams, or the Great Lakes resources, individual sections will appear on the left side of the screen that are similar in format to each other. Each of these resource sections asks initial general information and then has additional questions regarding the Types of Activities proposed for each resource. The outline for these resource activity impacts questions is Activity Type, Dimensions Table, and Special Questions.

There are four overall Types of Activities groups for wetlands, ponds, inland lakes, streams or the Great Lakes:

Fill Activities

Dredge Activities

Structure Activities

Other Activities

Under each of these Types of Activity questions, specific activity lists will be shown that are typical for that type (fill, dredge, structure, other) and resource (wetland, lake, stream, etc). Follow these steps to accurately fill out the Activity Type Questions:

1. Start with the Fill question and choose any activities on the list that is included in your project. If your activity is not shown, then select None of the Above and move to the next question.

2. When you select an activity listed under Fill, Dredge, Structure, or Other, a dimensions table will appear under that question. This table is where you enter EACH activity OF THE TYPE YOU SELECTED and associated dimensions. Be sure that all the activities you selected are also listed in the table with the dimensions. Multiple activities covering the same footprint may be combined on one line in the table (for example, riprap on slopes of driveway fill can be entered on the same impact dimensions line and does not necessarily need to be broken out).

3. Continue to answer the Activity Type questions (Fill, Dredge, Structure, Other) until all have been answered with either a specific Activity listed under that Type or None of the Above. If you did not find your activity in any list then select Other and provide a description of your activity in the space that appears. Please be as descriptive as possible.

Proposed mitigation questions may appear within specific resource types sections based on your answers. Enter any proposed mitigation in the appropriate section (wetland, stream, etc.) and if no mitigation is proposed you must provide commentary with an explanation as to why it is not required. Mitigation plans according to the mitigation checklist ([link](#)) are required for a complete application. When mitigation is proposed be sure to also select mitigation in the Permit Application Type section under the second question.

In the above sections, uploads will be prompted as required by the answers to questions. These should be uploaded in these location (ex, mitigation plans should be uploaded in the mitigation section). Please do not wait to upload one large document with all plans combined at the end. Note that each individual upload is limited to 10M.

Upload of Proposed Site Plans.

Any plans or explanatory narratives not requested in previous sections should be uploaded in this section. Construction Plans

including overhead view, cross sections, and profiles showing each impact either to-scale or with dimensions are required and typically would be uploaded here. Plan labels should correspond with labels entered in the form for each activity selected. The application will not be complete without the proper site plans. If drawings are not received with all required dimensions and resources identified, then the Michigan Department of Environment, Great Lakes, and Energy will send a correction request and your application processing will be delayed. However, please limit drawings, plans, and narratives submitted to the items necessary for permit review. For example, entire bid package documents and CAD drawings are often not helpful for permit review and may cause delays from wading through extraneous information. Plans, profiles and cross sections specific to the resource impacts are the most helpful.

Review:

This section allows you to see the entire form with the answers you entered. Please review for accuracy prior to hitting the submit button. A print option is provided on this screen (print to PDF is recommended). Once the application is submitted you may not make changes to it until the application has been assigned to a staff person.

Certify & Submit:

This is the final section of the application form. The **Submit Form** button selection certifies that all information in the application is true and accurate and that you have the authority to apply for the permit as indicated. This application will become part of public record.

We recommend that you have the above information ready prior to starting this application. You will be able to save in-progress applications and come back later, but all required uploads and questions are necessary before the system will allow submittal of the application. Some sections of this application form load faster than others depending on the complexity of the questions. Thanks for your patience while you work through the application. For assistance with this form visit: <https://www.michigan.gov/jointpermit>

[Click here for additional information on maps, drawings, and other attachment](#)

Contact Information

Applicant Information (Usually the property owner)

First Name **Last Name**
DIANA MELICHAR

Organization Name
NONE PROVIDED

Phone Type **Number** **Extension**
Mobile 847.306.0164

Email
Diana@melichararchitects.com

Address
207 E. Westminster, Suite 104
Lake Forest, IL 60045

Is the Property Owner different from the Applicant?

No

Has the applicant hired an agent or cooperating agency (agency or firm assisting applicant) to complete the application process?

Yes

Upload Attachment for Authorization from Agent

SIGNED AGENT.pdf - 11/25/2020 02:14 PM

Comment
NONE PROVIDED

Agent Contact

First Name **Last Name**
DEAN RAY

Organization Name
NONE PROVIDED

Phone Type **Number** **Extension**
Mobile 2692779104

Email
deankrayjr@gmail.com

Address
1901 Lakeshore Dr.
St. Joseph, Michigan 49085

Are there additional property owners or other contacts you would like to add to the application?
No

Project Location

DEQ Site Reference Number (Pre-Populated)
-5483820266825355049

Project Location
41.77087532358034,-86.80110541873465

Project Location Address
46105 WHITEWOOD AVE
NEW BUFFALO, MI 49117

County
Berrien

Is there a Property Tax ID Number(s) for the project area?
Yes
Please enter the Tax ID Number(s) for the project location
11-39-2590-0139-01-0

Is there Subdivision/Plat and Lot Number(s)?
Yes
Subdivision/Plat and Lot Number(s)

SPLIT/COMBINED ON 12/28/2015 FROM 39-2590-0137-00-1, 13-5000-0138-00-2, 39-2590-0136-00-5, 39-2590-0139-00-4;
LOTS 14 15 32 & 33 & S'LY 1/2 LOTS 13 & 34 BLK 6 GRAND BEACH SPRINGS AND VAC LOOKOUT AVE LYING ADJ TO
SD LOTS

Is this project within Indian Lands?
No

Local Unit of Government (LUG)
Village of Grand Beach

Directions to Project Site
SEE MAP

Background Information

Has the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and/or United States Army Corps of Engineers (USACE) conducted a pre-application meeting/inspection for this project?
No

Has the EGLE completed a Wetland Identification Program (WIP) assessment for this site?

No

Environmental Areas are coastal wetlands on the shorelines of the Great Lakes. Enter this number only if a designated Environmental Area is in the proposed project area. Environmental Areas are designated locations along the Great Lakes shoreline. If you don't know whether there is an environmental area within the project area, leave blank. Additional information on Environmental Areas can be found by clicking the following link:

[Click Here for Link](#)

Environmental Area Number (if known):

NONE PROVIDED

Has the United States Army Corps of Engineers (USACE) completed either an approved or preliminary jurisdictional determination for this site?

No

Were any regulated activities previously completed on this site under an EGLE and/or USACE permit?

No

Have any activities commenced on this project?

No

Is this an after-the-fact application?

No

Are you aware of any unresolved violations of environmental law or litigation involving the property?

No

Is there a conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property?

No

Are there any other federal, interstate, state, or local agency authorizations associated with this project?

No

Permit Application Category and Public Notice Information

Project Category Selection:

The Permit Application Category you apply under is dependent on the type and scope of activities you are undertaking and the resources affected. There is a three-tier permitting process to aid in expediting permits for regulated activities that occur on wetlands, inland lakes and streams, and the Great Lakes (Parts 301, 303, and 325): General Permit, Minor Project, and Individual Permit.

Additionally, Minor Project categories exist for floodplains under the authority of Part 31.

General Permit and Minor Project categories generally meet specific Best Management Practices criteria that have been shown to minimize impacts to resources if followed correctly. If you select a General Permit or Minor Project Category you must select the specific category(ies) that your project fits under. Any project that does not fit a General or Minor Category are Individual Permit projects. All projects in Critical Dunes, High Risk Erosion Areas, or Dam Safety projects will be Individual Permit Projects.

Indicate the type of permit being applied for.

Minor Project for wetlands, lakes, streams, floodplains, or Great Lakes

[Link to General Permit Categories with Descriptions](#)

[Link to Minor Permit Categories with Descriptions](#)

[Link to Minor Project Category descriptions for Floodplain Only projects \(See R323.1316\)](#)

If you are applying for a minor project permit, which project type(s) is being proposed?

MP 41. Riprap Shoreline Protection

If you are applying for a general permit, which project type(s) is being proposed?

NO GP CATEGORY (MP Category only)

Project Description

Project Use: (select all that apply - Private, Commercial, Public/Government/Tribal, Receiving Federal/State Transportation Funds, Non-profit, or Other)

Private

Project Type (select all that apply):

Private Residence

Please enter your answers in the text box for the next four questions. If you have a long description, please use the document upload at the end of the section. Please make every effort to enter your information directly into the application text boxes. If the answer is in an attachment, please identify that in the text box below.

Project Summary (Purpose and Use): Provide a summary of all proposed activities including the intended use and reason for the proposed project.

CONSTRUCT A REVETMENT ALONG WHITE CREEK WHERE THE CREEK IS ERODING THE TOE OF THE SLOPE ADJACENT TO AN EXISTING RESIDENCE.

Project Construction Sequence, Methods, and Equipment: Describe how the proposed project timing, methods, and equipment will minimize disturbance from the project construction, including but not limited to soil erosion and sedimentation control measures.

MECHANICALLY GRADE THE TOE OF THE SLOPE AND STREAM BED THE PLACE FILTER FABRIC, MATTRESS STONE AND ARMOR STONE.

Project Alternatives: Describe all options considered as alternatives to the proposed project, and describe how impacts to state and federal regulated waters will be avoided and minimized. This may include other locations, materials, etc.

STEEL SHEET PILE

Project Compensation: Describe how the proposed impacts to state and federal regulated waters will be compensated, OR explain why compensatory mitigation should not be required for the proposed impacts. Include amount, location, and method of compensation (i.e., bank, on-site, preservation, etc.)

NONE

Upload any additional information as needed to provide information applicable to your project regarding project purpose sequence, methods, alternatives, or compensation.

NONE PROVIDED

Comment

NONE PROVIDED

Resource and Activity Type

Important! Answer all questions completely. Properly identifying your project in this section generates the proper application sections. Incomplete applications will require corrections before they can be fully processed.

SELECT THE ACTIVITIES from the list below that are proposed in your project (check ALL that apply). If you don't see your project type listed, select "Other Project Type". These activities listed require additional information to be gathered later in the application.

Shore Protection such as Seawalls, RipRap, and Bioengineering

The Proposed Project will involve the following resources (check ALL that apply).

Critical Dune Area

Stream or River

Major Project Fee Calculation Questions

Is filling of 10,000 cubic yards or more proposed (cumulatively) within wetlands, streams, lakes, or Great Lakes?

No

Is dredging of 10,000 cubic yards (cumulatively) or more proposed within streams, lakes, or Great Lakes? (wetlands not included)

No

Is new dredging or adjacent upland excavation in suspected contamination areas proposed by this application?
No

Is a subdivision, condominium, or new golf course proposed?
No

Stream Project Information (1 of 1)

Stream Information

This section is for entering information regarding the impacts to a stream only. Do not input information that pertains to other resources (inland lakes, Great Lakes, floodplains, etc.).

If there are multiple streams associated with the project impacts, or different Ordinary High Water Mark (OHWM) elevation data on the stream reach, provide the information in duplicate stream project information tabs by clicking on DUPLICATE at the top right or bottom of this screen.

Elevation data must include a description of the reference point or benchmark used and its corresponding elevation. If elevations are from still water provide the observation date and water elevation. Include information in this section only as it pertains to proposed project activities in regards to impacts to streams.

This section is for entering information regarding the impacts to Streams only. Do not input information that pertains to other resources (Great Lakes, streams, floodplains, etc.).

Elevation data must include a description of the reference point or benchmark used and its corresponding elevation. If elevations are from still water provide the observation date and water elevation. Information provided in this section should pertain only to proposed activities in regards to Inland Lake impacts.

An OHWM can be determined by either surveyed information or through measurements taken in reference to a static benchmark such as an observed water level or base of a tree, etc. The following information indicates how to determine the OHWM in different situations:

OHWM for Inland Lakes (Part 301) is the line between upland and bottomland identified by the presence of a distinct change in character of the land caused by successive changes in water levels.

In Section 10 regulated waters, the U.S. Army Corps of Engineers (USACE) regulates activities below the USACE Great Lakes OHWM elevation.

See EGLE's YouTube Series for OHWM video tutorials, and the sample OHWM drawing for more information.
[Determining the Ordinary High Water Mark \(OHWM\) - Video](#)

Please provide a name for the stream, river, channel:
WHITE CREEK

Stream Water elevation reference* (show elevation on plans with description):
NAVD 88

Ordinary High Water Mark (OHWM) elevation (feet):
581

Date of observation (M/D/Y)
3/25/2021

What length (feet) does the project activity(ies) extend waterward of the OHWM?
6

What length (feet) does the project activity(ies) extend landward of the OHWM?
19

Is the drainage area upstream of the proposed project area greater than 2 sq. miles?
No

What is the the width (feet) of the stream where the water begins to overflow its banks. This is called the Bankfull width.
20

Will a turbidity curtain be used during the proposed project?

No

If there are multiple streams associated with the project impacts, or different Ordinary High Water Mark (OHWM) elevation data on the stream reach, provide the information in duplicate stream project information tabs by clicking on DUPLICATE or ADD NEW below. This adds a new section where you will enter the information about additional project impacts.

Inland Lakes, Great Lakes and Stream Impacts (1 of 1)

PLEASE READ

This section will collect information regarding Inland Lakes, Great Lakes, and Streams impacts and activities only. The initial questions are related to which waterbody the impacts pertain to. When there are multiple waterbodies (e.g., some impacts are on an inland lake and some impacts are on a stream), fill out a DUPLICATE tab for each waterbody impacted. For each waterbody, questions will be asked regarding the proposed activities. Proposed Activities questions are grouped into Fill, Dredge, Structures, Other and are only for the impacts related to these groups. Click [HERE](#) for more information on the Inland Lakes and Streams Protection Program.

[Link to information on Inland Lakes and Streams Permitting](#)

The following impact description applies to: (select only one at a time, duplicate this entire section if there are impacts to multiple waterbody types):

Stream

Linear feet of stream affected by your project

Category	Affected linear feet (ft)
Permanent	165
Temporary	0
	Sum: 165

The following questions gather information on the specific Types of Activities your project includes that will impact INLAND LAKES, STREAMS, AND GREAT LAKES. There are four overall Types of Activities: Fill, Dredge, Structure, and Other. Under each of the Activity Type questions, specific activity lists will be shown. If the activity is not shown in the list given, select None of the Above and move to the next question. When you select an activity under Fill, Dredge, Structure, or Other, a table will appear under that type. Only enter the dimensions of the activity that are within INLAND LAKES, STREAMS, or GREAT LAKES. Multiple activities covering the same footprint may be combined on one line in the table. Continue to answer the Activity Type questions (Fill, Dredge, Structure, Other) until all have been answered with either a specific Activity listed under that Type or ♦None of the Above♦. If you did not find your activity in any list then select ♦Other, Other♦ and provide a description of your activity.

Select from the following list all Fill Activities (select all that apply to this waterbody impacted):

Riprap

Complete this table for projects involving Fill below the Ordinary High Water Mark. Enter each activity/ location that corresponds with each activity selected in the previous question and enter the dimensions. Activities may be entered in one line of the table if they occupy the same impact footprint and cannot be broken out separately (Example: Activity - Driveway and Riprap slope). Multiple activities in different locations should be listed on different lines of the table.

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (cubic feet)	Volume (cubic yards)	Corrected Value for complex impact Area (square feet)
RIP RAP	50	4	2	200	400	15	20
				Sum: 200	Sum: 400	Sum: 15	Sum: 20

Type of Fill

Other: RIP RAP

Source of Fill

Off-site

Is riprap proposed?

Yes

Indicate size range of riprap:

.8' - 2.0'

Type of riprap

Angular rock

Will material be installed under the riprap?

Yes

Type of material installed under riprap:

Filter fabric

Activities Involving Dredging or Excavation: Select from the following list for Excavation/Dredge Activities (select all that apply to this waterbody impacted):

Other: GRADING FOR RIP RAP

Projects involving Excavation/Dredging below the Ordinary High Water Mark:

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (cubic feet)	Volume (cubic yards)	Corrected value for complex impact Areas (square feet)
RIP RAP	50	4	2	200	400	15	NONE PROVIDED
				Sum: 200	Sum: 400	Sum: 15	Sum: NaN

Has this area been previously dredged?

No

Is long-term maintenance dredging proposed?

No

What is the method used to be dredged?

Mechanical

Has the dredge material been tested?

No

Spoils Disposal

Will the excavation/dredge spoils be disposed of on site or off site?

On site

If your project includes STRUCTURES then select all of the proposed activities in the following list. If your activity is not shown, then select None of the Above and move to the next question. Only enter an impacted area in one of the impact tables (do not duplicate impact entries):

None of the above

If your project includes Other Activities not listed in this section, then select from the proposed activities in the following list. If your activity has not been listed in this Section, then select Other and enter a description of your activity. Only enter an impacted area in one of the impact tables (do not duplicate impact entries). If you selected a Fill, Excavation/Dredging, or Structure activity above in this section, but do not have an activity listed as Other, then select None of the Above for this question.

None of the above

Does the proposed project include mitigation?

none

If there are multiple waterbodies associated with the project impacts, or different Ordinary High Water Mark (OHWM) elevation

data on the waterbody, provide the information in duplicate stream project information tabs by clicking on DUPLICATE or ADD NEW below. This adds a new section where you will enter the information about additional project impacts.

Shore Protection Project such as Seawalls, RipRap, or Bioengineering

Select all that apply to your project.

RipRap

Is a cumulative length of seawalls, bulkheads, or revetments of 500 feet or more in length proposed?

No

Is the proposed structure going to extend 150 feet or more into a lake or stream?

No

Distance from the project to the adjacent property lines

Distance from property line to the left (feet)	Distance from property line to the right (feet)
0	0

Distance of project from an obvious fixed structure (example - 50 ft from SW corner of house)

75' FROM NEAREST CORNER OF THE HOUSE

Will any existing structures be removed as part of this project including walls or any other structure?

No

Critical Dune Areas and High Risk Erosion Areas

GENERAL INFORMATION

All applications require scaled overhead and cross-section plans with property boundaries, locations, and dimensions of all existing structures and impacted areas, and all proposed structures, terrain alterations, and construction access. Cross-sections must show existing and proposed grades, including foundations. Sample application drawings are available at the program websites, www.mi.gov/criticaldunes and www.mi.gov/shorelands, respectively. Additional information may be required to complete the application review depending on the project's complexity. Although not required, submitting photographs of the site may provide for a faster application review.

Additional information on Critical Dunes

[DEQ Critical Dune Areas Webpage](#)

Additional Information on High Risk Erosion Areas

[DEQ High Risk Erosion Areas Webpage](#)

PROPERTY INFORMATION

Year the current property boundaries were created:

2008

All property boundaries, proposed structure corners and uses must be staked before the WRD site inspection.

Provide the date the project was staked:

03/25/2021

SEWAGE DISPOSAL INFORMATION

Type of sewage disposal proposed, if any:

Does not apply to the project

Critical Dune Areas

Permits are required for activities considered a use or a contour change in a critical dune area.

Plans prepared by a registered architect or licensed professional engineer are required for some projects. These projects commonly include construction on slopes that measure greater than a 1-foot vertical rise in a 4-foot horizontal plane (25 percent) and construction within 100 feet of the dune crest.

There are projects which may require a special exception application and review in addition to the joint permit application. Please see the frequently asked questions for special exception applications at the program website. [Click here for a list of common activities requiring a permit](#)

Select all activities that apply to this project:

Retaining walls and erosion protection devices: Cumulative length of greater than 100 feet.

Project Information

Provide information about your project including the locations and sizes of proposed structures and the characteristics of the site.

Type of proposed activities including a home, utilities, and retaining walls. (*A home and garage are separate structures unless the garage is beneath the home)

Activity	Foundation type	Area (Length x Width) for activity (square feet):	Units
Riprap	NA	2700	Square Feet

Type of existing structures/uses on site (*a home and garage are separate structures unless the garage is beneath the home).

Existing structures/use:	Foundation type:	Area (Length x Width) for each existing structure/use (square feet):	Units
None	NONE PROVIDED	0	Square Feet

Does this project include the placement of fill in a Critical Dune Area?

Yes

Complete this table for projects involving Fill Above the Ordinary High Water Mark (OHWM) in Critical Dune Areas. Enter each activity/ location that corresponds with each activity selected in the previous question and enter the dimensions. Activities may be entered in one line of the table if they occupy the same impact footprint and cannot be broken out separately (Example: Activity - Driveway and Riprap slope). Multiple activities in different locations should be listed on different lines of the table.

Activity	Length (feet)	Width (feet)	Depth (feet)	Area (square feet)	Volume (Square Feet)	Volume (Cubic Yards)	Corrected Value for complex fill areas (square feet)
A1 RIPRAP	85	20	2.5	1700	4250	157	170
RR4RIPRAP	85	20	2	1700	3400	126	140
RR4RIPRAP	80	20	3	1600	4800	178	190
RR5RIPRAP	80	20	2	1600	3200	119	130
				Sum: 6600	Sum: 15650	Sum: 580	Sum: 630

Type of Fill

Other: RIP RAP

If retaining walls are proposed indicate the total linear feet. Remember to include all existing and proposed walls used for landscaping and driveways.

NONE PROVIDED

What is the maximum slope proposed to be impacted?

=/> 33.3%

Is the project within 100 feet measured landward from the dune crest?

No

Is sand being relocated onsite? If so, show location and access route on site plans.

None

Soil Erosion and Sedimentation Control (Part 91)

Local Soil Erosion and Sedimentation Control Agency

Attach the permit or letter from the County Enforcing Agent stating the project complies with Part 91, Soil Erosion and Sedimentation Control.

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Comment

NONE PROVIDED

Vegetation Assurance

The law requires the property owner provide an assurance that the cutting and removal of trees and other vegetation for a proposed use in a critical dune area will be in accordance with the Forest Management Guidelines prepared by the Michigan Society of American Foresters.

If you are proposing shore protection due to the high water levels on the Great Lakes, you may choose to agree to a vegetation assurance written specifically for this type of project by EGLE. If you do not agree to this vegetation assurance, then please upload a separate vegetation assurance. All other projects must upload a project-specific vegetation assurance. [Frequently Asked Questions about a Vegetation Assurance](#)

Dune habitat present where work is proposed, including access route(s) (check all that apply):

Shrubs

Sparse trees and low growing vegetation

Is your project for shore protection due to the high water levels?

Yes

Vegetation Assurance for Shore Protection During High Water Levels

Directions: This vegetation assurance is for shore protection proposed only during high water levels. If you do not agree to this vegetation assurance, then you will be required to upload a separate vegetation assurance.

Project site description: The site is a lakeward facing slope adjacent to the water's edge.

Proposed development: Impacts to the existing vegetation are proposed only on the lakeward facing slope adjacent to the water's edge and within the area necessary to access the work site. Vegetation impacts will be minimized within the areas to the degree practicable.

Seasonal issues: Planting to restabilize the site will occur upon project completion but no later than the beginning of the next growing season.

Special considerations: The vegetation outside of the project footprint will be protected.

Proposed actions for maintaining site stability during and after construction: All vehicles and materials will be limited to the project area as identified on the submitted plans.

Proposed revegetation of the site: American beach grass (*Ammophila breviligulata*) plugs will be planted onsite. The grass will be planted upon project completion but no later than the beginning of the next growing season. The site will be monitored for a minimum of two years to ensure the grass is growing. Any dead plugs will be replaced. Trees and shrubs removed will be replanted with native species at a 1 to 1 ratio. Invasive plants will be removed from the site.

Please provide any additional comments on the Vegetation Assurance to which you are agreeing to comply.

NONE PROVIDED

Do you agree to the following based on the above list?: Yes, this vegetation assurance represents my site and I agree to abide by the requirements.

Yes

Utilities

If utility lines are proposed indicate the installation method.

No utility lines proposed

On the site plan show utility locations and dimensions, construction access route, and locations of vegetation to be removed. On the cross-sections show existing and proposed elevations.

Special Use

Is an application for special use being submitted as defined by MCL 324.35301 (j)?

No

Special Exception

For more information about Special Exceptions, please visit the following link.
[Click here for FAQs of a Special Exception Application in Critical Dune Areas](#)

Are you applying for a Special Exception?

Yes

To apply for a Special Exception, complete the following questions required by MCL 324.35317.

Provide a property survey showing those areas that are privately owned and publicly owned, including all easements and setbacks.

Submit a site plan prepared by a registered professional architect or a licensed professional engineer if required by Part 353 and they have not yet been submitted.

The application fee of \$2,000 will be included in this Joint Permit Application fee. This fee is in addition to the fee required for the permit application.

The definition section in Part 353 identifies the individual provisions that are part of the model zoning plan. Part 353 is available online at: Michigan.gov/CriticalDunes.

Frequently Asked Questions

Identify all sections of the model zoning plan under which the property owner is requesting relief in the form of a special exception.

MCL 324.35316(1)(b) steep slopes

Identify the conditions of the land that make it practically difficult for the owner to comply with the dimensional requirements of the model zoning plan (MCL 324.35304 to 324.35309 and 324.35311a to 324.35324).

White Creek is eroding the toe of a steep slope >33%. A revetment needs to be constructed to protect the slope and the house on top of the bluff.

How will human health and safety be affected by the project as proposed with a special exception? Is human health and safety protected if the special exception is not granted? Please explain your answers.

Yes. The slope and house will be protected. No. The house (86' away) will eventually be undermined.

Provide documentation that the proposal complies with applicable local zoning, state, and federal laws.

There is no mention of revetments in the New Buffalo Township Zoning ordinance or any other township ordinance.

Describe other pertinent or additional information you would like EGLE to include in the review.

n/a

Special Exception Additional Information Upload

NONE PROVIDED

Comment

BIO ENGINEERING WAS NOT CONSIDERED BECAUSE THE REVETMENT MUST ALSO SUPPORT AN STEEP UNSTABLE SLOPE ABOVE IT. WEIGHT IS IMPORTANT.

Upload of Proposed Site Plans

REQUIRED Application, maps, and drawings:

*Overall Project Site Plan

*Cross-Sectional Drawings

For Part 315 Dam Safety applications attach detailed signed and sealed engineering plans for a Part 315 dam repair, dam alteration, dam abandonment, or dam removal.

[Examples site plan and cross-sectional drawings](#)

[For additional information on maps, drawings, and other attachments visit michigan.gov/jointpermit](#)

Required on all Site Plan uploads. Please identify that all of the following items are included on your plans that you upload with this application.

Site Plan Features	Existing and Proposed Plan Set
Scale, Compass North, and Property Lines	Yes
Fill and Excavation areas with associated amounts in cubic yards	Yes

Site Plan Features	Existing and Proposed Plan Set
Any rivers, lakes, or ponds and associated Ordinary High Water Mark (OHWM)	Yes
Exterior dimensions of Structures, Fill and Excavation areas associated with the proposed project	Yes
Dimensions to other Structures and Lot Lines associated with the project	Yes
Topographic Contour Lines from licensed surveyor or engineer when applicable	Yes

Upload Site Plans and Cross Section Drawings for your Proposed Project

[Melichar Permit_210226.pdf - 03/01/2021 12:40 PM](#)

Comment

NONE PROVIDED

Additional Required and Supplementary Documents

NONE PROVIDED

Comment

NONE PROVIDED

Fees

The application fee identified in this section is a calculation based on answers to the questions in this application. This calculation is an estimate of the total fee and will be reviewed by the application processor to determine if any additional fees are required for a complete application.

Minor Project Fee:
+\$100.00

Critical Dune Areas Fee:
+\$2600.00

Total Fee Amount:

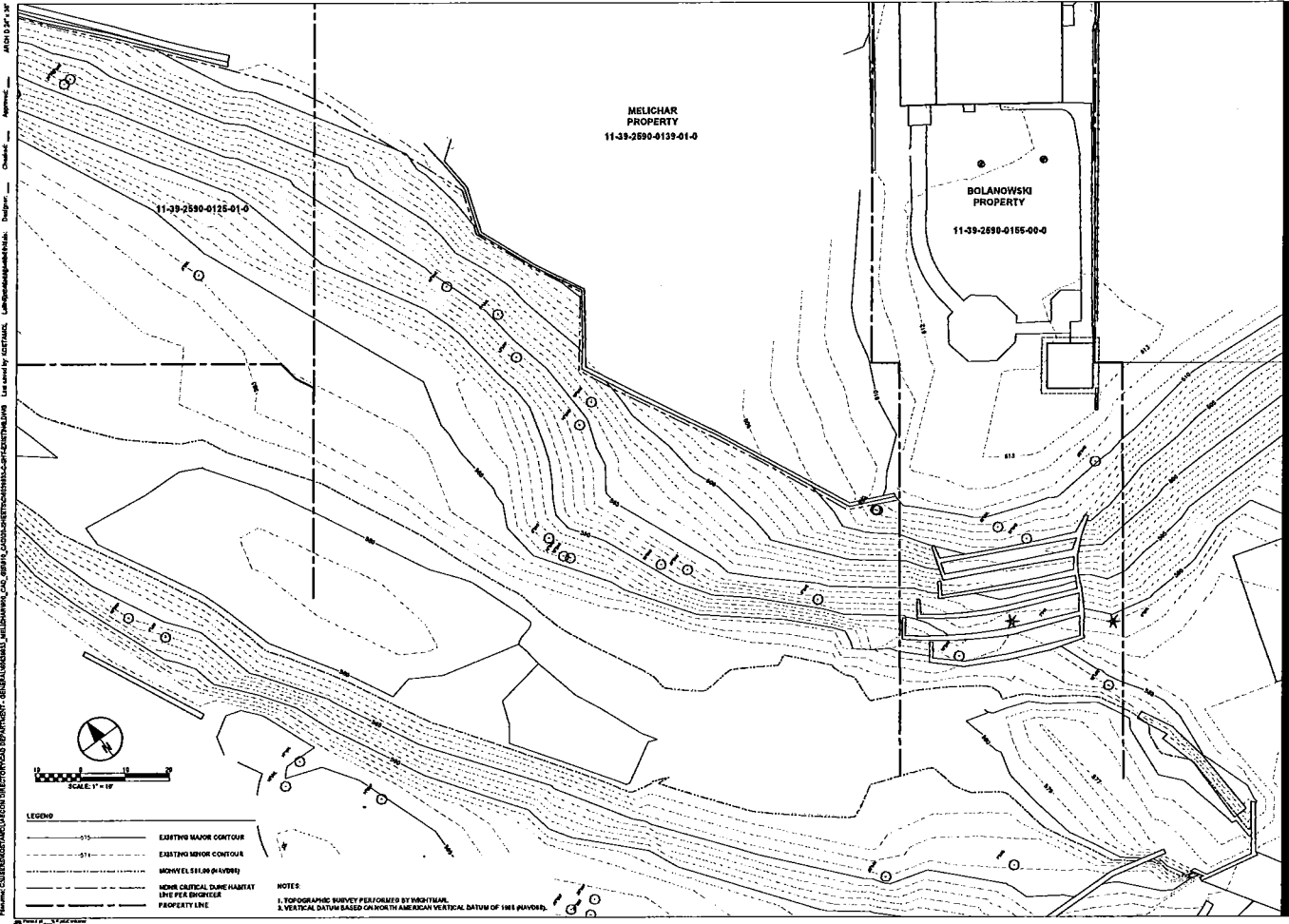
\$2700.00

Is the applicant or landowner a State of Michigan Agency?

No

Revisions

Revision	Revision Date	Revision By
Revision 1	11/25/2020 12:55 PM	Dean Ray
Revision 2	12/21/2020 2:26 PM	Dean Ray
Revision 3	3/4/2021 12:51 PM	Dean Ray
Revision 4	3/4/2021 1:36 PM	Dean Ray



Planning, Consulting & Engineering, Inc. 11111 W. 111th Street, Overland Park, KS 66213
 Phone: 913.241.1111 Fax: 913.241.1112
 www.pceinc.com

AECOM


PROJECT
 14105 & 14109
 WHITEWOOD AVENUE

CLIENT
 MELICHAR & BOLANOWSKI
 14105 & 14109 Whitewood Avenue
 Village of Grand Beach, Michigan

CONSULTANT
 AECOM
 903 E. WACKER DRIVE
 SUITE 1400 CHICAGO, IL 60601
 312.252.7500
 www.aecom.com

CONSULTANTS

REGISTRATION



ISSUE/REVISION

NO.	DATE	DESCRIPTION
1	10/28/14	ISSUED FOR BID
2		REVISION

KEY PLAN

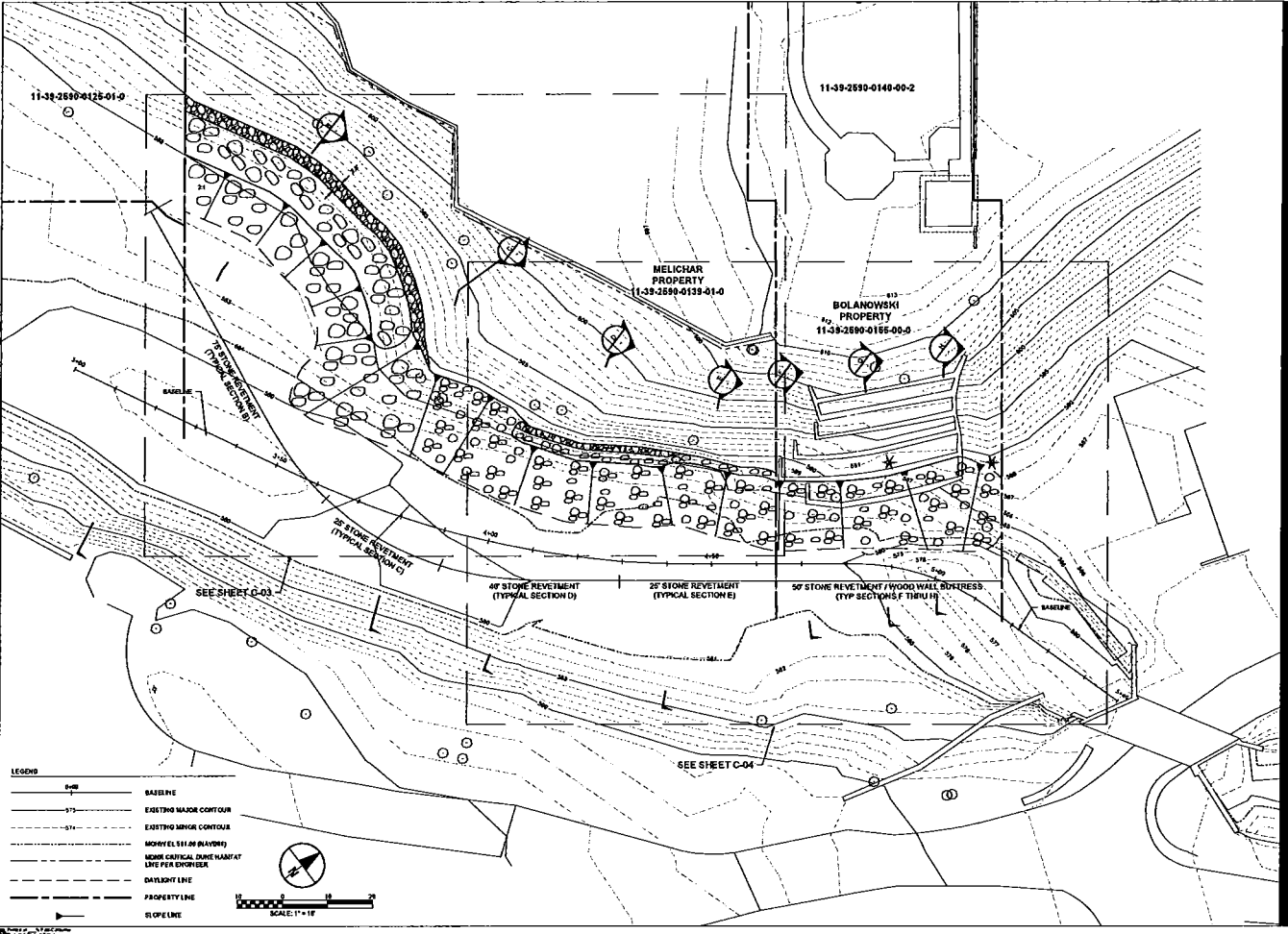
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60639933

SHEET TITLE
EXISTING CONDITIONS

SHEET NUMBER
C-01

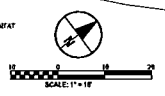
2 of 9

PROJECT: 14105 & 14109 WHITEWOOD AVENUE
 CLIENT: MELICHAR & BOLANOWSKI
 CONSULTANT: AECOM
 PROJECT NUMBER: 60639833
 SHEET TITLE: OVERVIEW PROPOSED PLAN
 SHEET NUMBER: C-02
 DATE: 2/28/14
 DRAWN BY: J. [unreadable]
 CHECKED BY: [unreadable]
 APPROVED BY: [unreadable]



LEGEND

— 0+00 —	BASIS LINE
— 17' —	EASTING MAJOR CONTOUR
— 21' —	EASTING MINOR CONTOUR
— 21' —	MINOR CRITICAL POINT MARKET LINE PER EXHIBIT A
— — — —	DAYLIGHT LINE
— — — —	PROPERTY LINE
— — — —	SLOPE LINE



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PROJECT
 14105 & 14109
 WHITEWOOD AVENUE

CLIENT
 MELICHAR & BOLANOWSKI
 14105 & 14109 Whitewood Avenue
 Village of Grand Beach, Michigan

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REGISTRATION

ISSUE REVISION

NO.	DATE	DESCRIPTION
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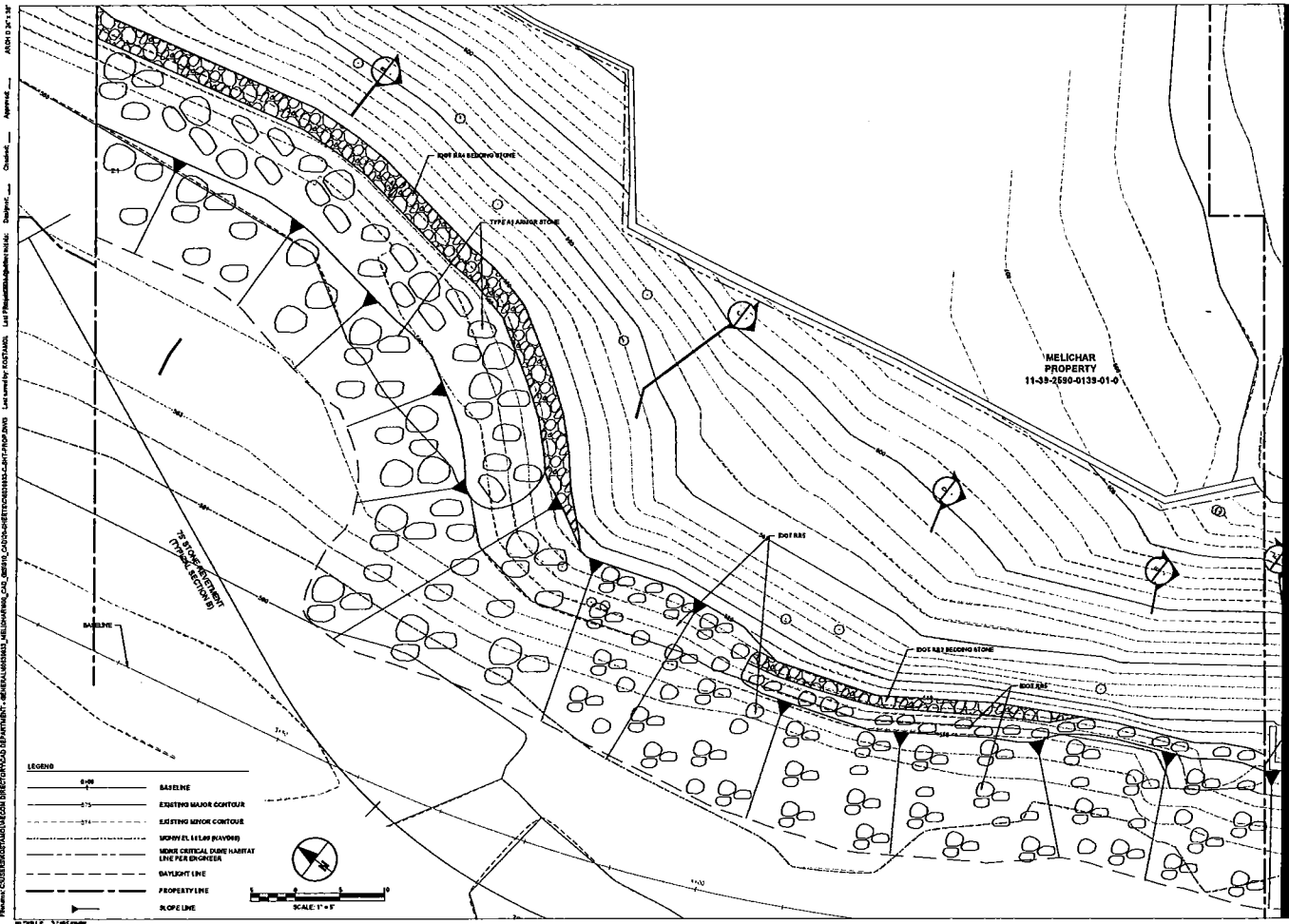
KEY PLAN

PROJECT NUMBER
60639833

SHEET TITLE
OVERVIEW PROPOSED PLAN

SHEET NUMBER
C-02

1 OF 9



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PROJECT
 14105 & 14109
 WHITEWOOD AVENUE

CLIENT
 MELICHAR & BOLANOWSKI
 14105 & 14109 Whitewood Avenue
 Village of Grand Beach, Michigan

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CONSULTANTS

REGISTRATION



ISSUE REVISION

NO	DATE	DESCRIPTION
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KEY PLAN

PROJECT NUMBER

60639933

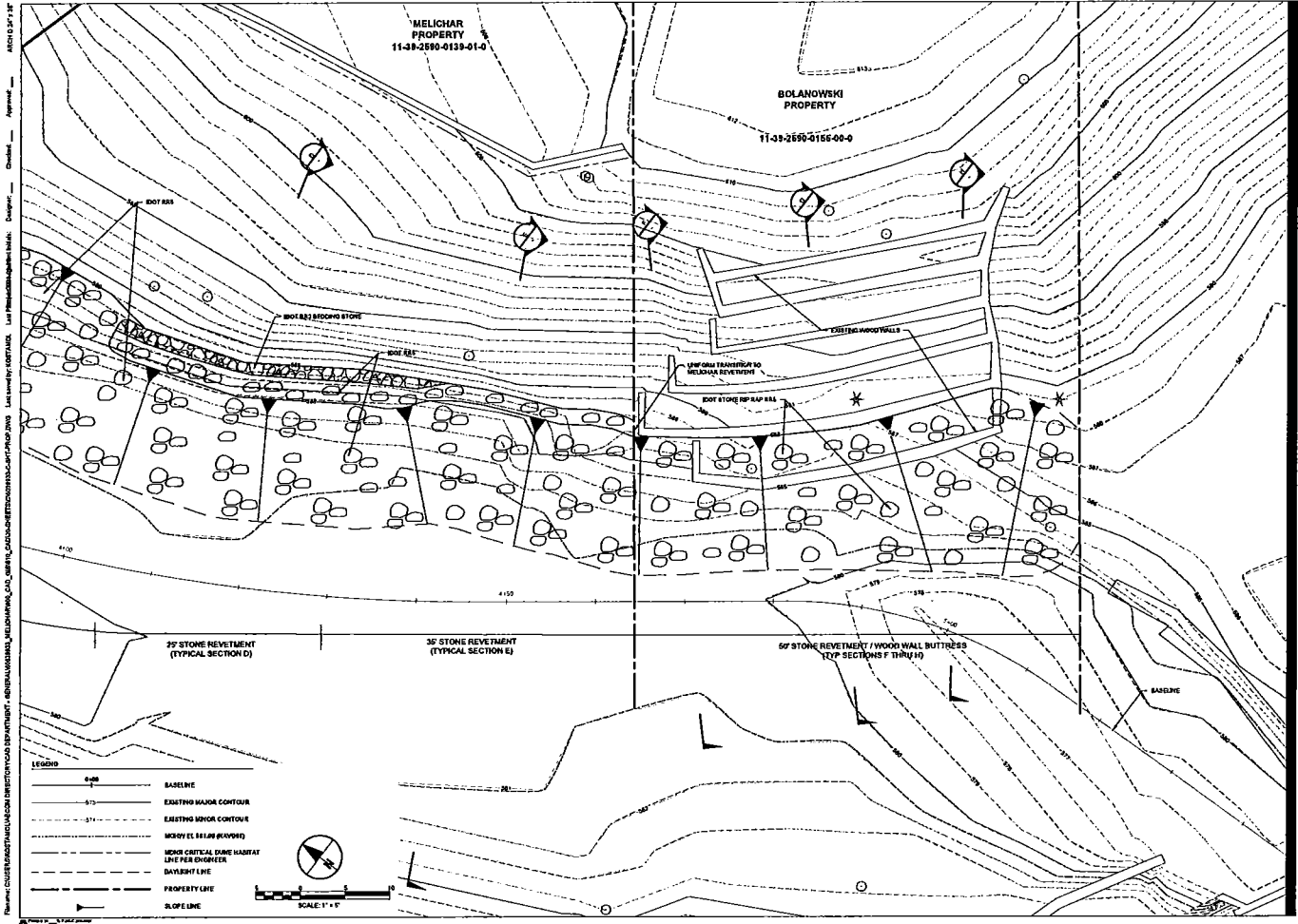
SHEET TITLE

PROPOSED PLAN

SHEET NUMBER

C-03

4 OF 9



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PROJECT
14105 & 14109
WHITEWOOD AVENUE

CLIENT
MELICHAR & BOLANOWSKI
14105 & 14109 Whitewood Avenue
Village of Grand Beach, Michigan

CONSULTANT
AECOM
303 E WACKER DRIVE
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REGISTRATION

ISSUE/REVISION

NO.	DATE	DESCRIPTION
1	2011.11.25	ISSUED FOR BID

KEY PLAN

PROJECT NUMBER
60639933

SHEET TITLE
PROPOSED PLAN

SHEET NUMBER
C-04

1 OF 1

PROJECT: 14105 & 14109 WHITEWOOD AVENUE
 CLIENT: MELICHAIR & BOLANOWSKI
 CONSULTANT: AECOM
 SHEET: C-07
 DATE: 2018-11-28
 SCALE: 1" = 8'
 PROJECT NUMBER: 00639933
 SHEET TITLE: CROSS SECTIONS
 SHEET NUMBER: C-07



PROJECT
 14105 & 14109
 WHITEWOOD AVENUE

CLIENT
 MELICHAIR & BOLANOWSKI
 14105 & 14109 Whitewood Avenue
 Village of Grand Beach, Michigan

CONSULTANT
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REGISTRATION



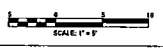
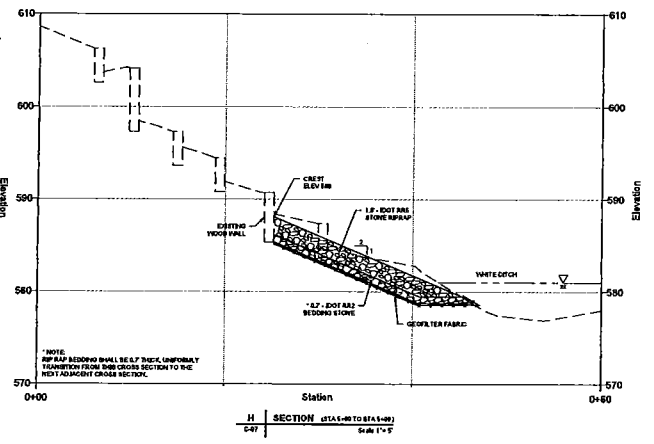
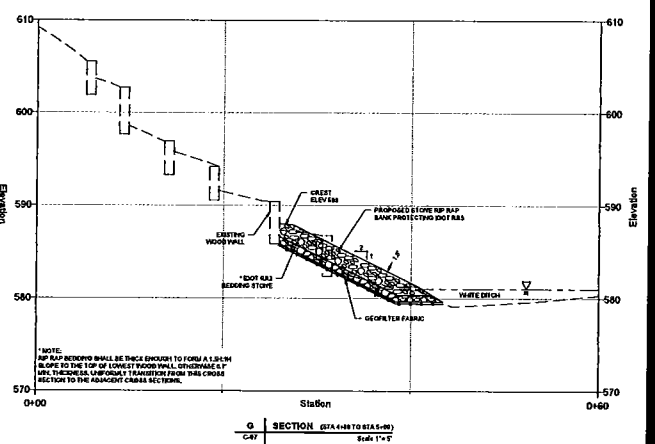
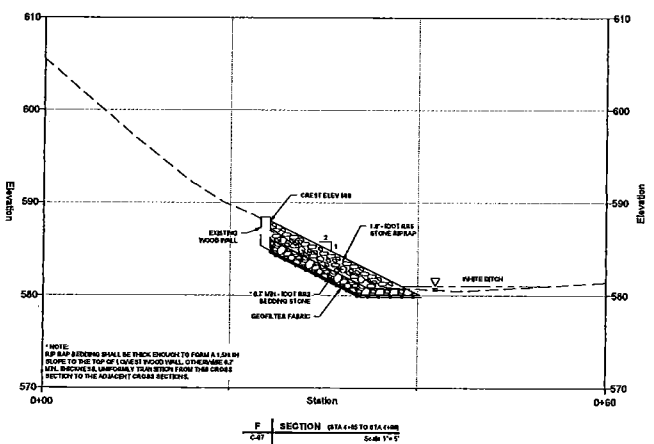
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NO.	DATE	DESCRIPTION
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KEY PLAN

PROJECT NUMBER
 00639933
SHEET TITLE
 CROSS SECTIONS

SHEET NUMBER
 C-07





NO.	DATE	DESCRIPTION
1	2018-11-20	ISSUED FOR BID

LEGEND
SOIL EROSION CONTROL

- SOIL EROSION CONTROL SILT FENCE
- SOIL EROSION CONTROL STORM INLET PROTECTION
- SOIL EROSION CONTROL STRUCTURE SEDIMENT TRAP
- TEMPORARY CONSTRUCTION ENTRANCE
- SOIL EROSION CONTROL TEMPORARY RIP-RAP ROCK CHECK DAM
- SOIL EROSION CONTROL EROSION CONTROL BLANKET

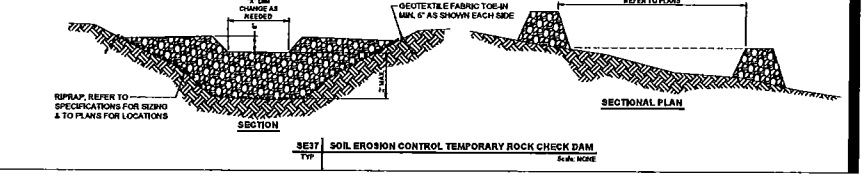
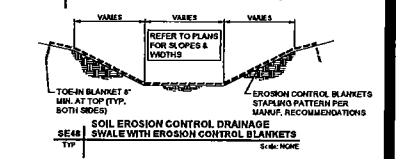
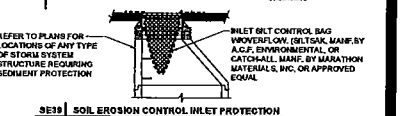
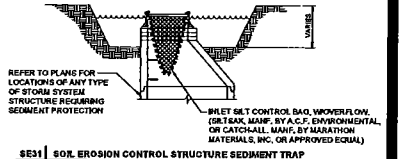
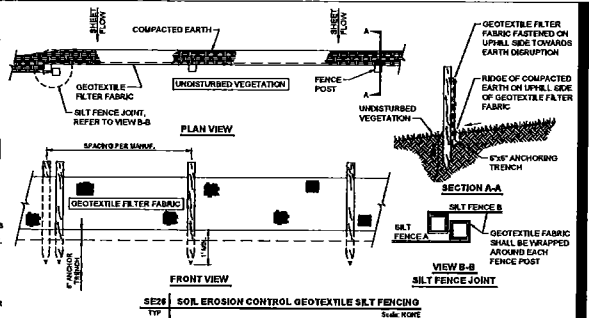
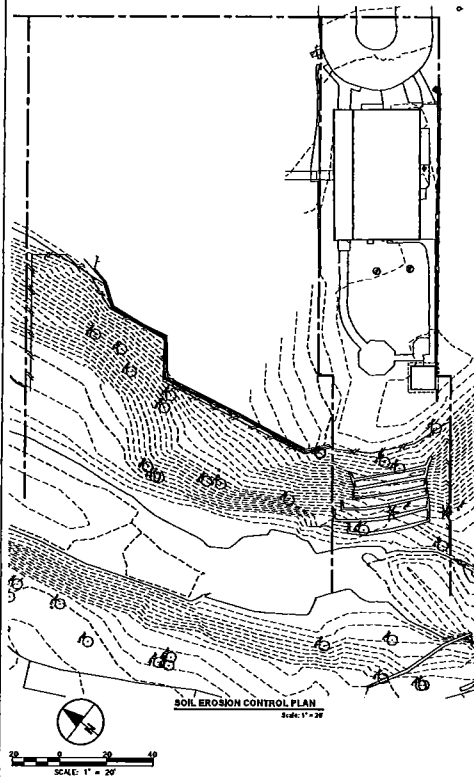
REFER TO PLANS FOR LOCATIONS OF SOIL EROSION CONTROL MEASURES. MEASURES NOTED ABOVE CORRESPOND WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION EROSION CONTROL MEASURES CLASSIFICATIONS.

EROSION CONTROL NOTES

- THE CONTRACTOR SHALL COMPLY WITH MUNICIPALITY RULES & REGULATIONS FOR SOIL EROSION CONTROL, & SUBMIT A SCHEDULE OF SOIL EROSION ACTIVITIES TO THE LOCAL ENTORING AGENCY PRIOR TO ANY EARTH CHANGE.
- THE CONTRACTOR SHALL INSPECT ALL TEMPORARY & PERMANENT EROSION CONTROL MEASURES DAILY & IMMEDIATELY WITHIN 24 HOURS AFTER A SIGNIFICANT RAINFALL EVENT. ALL MEASURES & EROSION MAINTENANCE REPAIR, OR REPLACEMENT SHALL BE COMPLETED IMMEDIATELY AT NO ADDITIONAL COST TO THE OWNER.
- PERMANENT SOIL EROSION CONTROL MEASURES, PLANTINGS & BUILDINGS FOR ALL SLOPES, CHANNELS, DITCHES, OR DISTURBED LAND AREAS SHALL BE COMPLETED WITHIN 90 OR CALIBER DAYS AFTER FINAL GRADING OR FINAL EARTH CHANGE HAS BEEN COMPLETED.
- PROVIDE TEMPORARY MAT OR BLANKETS ON ALL DISTURBED AREAS THAT ARE NOT STABILIZED WITH PERMANENT MEASURES WITHIN 5 DAYS OF GRADING.
- ALL SLOPES SHALL BE TRACKED PERPENDICULAR TO THE SLOPE TO AID IN EROSION CONTROL OF SLOPED AREAS.
- WHERE REGIONAL LIMITATIONS OR CONSTRUCTION DELAYS PREVENT SOIL EROSION MEASURES FROM BEING INSTALLED WITHIN FIVE (5) CALENDAR DAYS, TEMPORARY MEASURES SHALL BE INSTALLED WITHIN FIVE (5) CALENDAR DAYS & MAINTAINED UNTIL PERMANENT FACILITY.
- THE LOCATION OF ANY TOP SOIL STOCKPILE SHALL BE DESIGNATED BY THE OWNER PRIOR TO CONSTRUCTION. THIS AREA SHALL BE ENCLOSED BY SILT FENCE & MAINTAIN A FEASIBLE DISTANCE FROM THE TOP OF SLOPE UPST. SUCH TIME IT IS USED TO TOP SOIL, THE SITE.
- AT COMPLETION OF CONSTRUCTION ACTIVITIES, REMOVE SEDIMENT ACCUMULATED DURING CONSTRUCTION FROM SEDIMENT BASIN AND SUBMIT INSPECTION LOG BOOK TO THE MUNICIPALITY & THE ENGINEER.
- APPROXIMATE TOTAL AREA DISTURBED BY CONSTRUCTION IS 22.77 ACRES.
- THE CITY OF DETROIT IS THE AGENCY HAVING JURISDICTION FOR SOIL EROSION AND THE CONTRACTOR IS RESPONSIBLE TO PAY FOR AND OBTAIN THE SOIL EROSION AND STORMWATER PERMIT AND ALL REQUIRED INSPECTIONS.
- THE CONTRACTOR SHALL PROVIDE CONSTRUCTION EDGE FOR ALL EXCAVATION TRENCHES TO PREVENT EROSION THROUGH THE WEEDING.

CONSTRUCTION SEQUENCING

- APPLY FOR & OBTAIN ALL REQUIRED PERMITS INCLUDING BUT NOT LIMITED TO RIGHT-OF-WAY PERMIT AND SOIL EROSION AND STORMWATER PERMIT.
- INSTALL SILT FENCE AND PERIMETER SOIL EROSION CONTROL MEASURES, POINTED ON THE PLANS AND AS NEEDED TO PREVENT FUEL, OIL, GREASE, AND ADJACENT PROPERTIES FROM SEDIMENTATION. CONSTRUCTION SHALL MAINTAIN SOIL EROSION CONTROL MEASURES AT ALL TIMES DURING CONSTRUCTION.
- CONSTRUCT ACCESS ROAD, PARKING AREAS, AND SIDEWALKS TO ALLOW FOR CLEAR ACCESS TO THE SITE.
- CONSTRUCT UTILITIES.
- INSTALL TEMPORARY SOIL EROSION CONTROL MEASURES AS NECESSARY TO PREVENT EROSION, PROVIDE SEDIMENTATION CONTROL DEVICES AS NECESSARY TO CONTROL SEDIMENT OUTFLOW.
- REVISE PLAN AS NEEDED TO ACCOMMODATE PHASED CONSTRUCTION.
- RESTORE ALL DISTURBED AREAS BY ACCORDANCE WITH THE SPECIFICATIONS.
- AFTER ALL DISTURBED AREAS HAVE BEEN RESTORED & VEGETATION IS ESTABLISHED, REMOVE TEMPORARY SOIL EROSION AND SEDIMENTATION CONTROL MEASURES.



PROJECT NO. 14105 & 14109 WHITEWOOD AVENUE
 SHEET NO. C-08
 DATE: 11/20/18
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 PROJECT LOCATION: GRAND BEACH, MICHIGAN
 CLIENT: MELICHAR & BOLANOWSKI
 CONSULTANT: AECOM
 SCALE: 1" = 20'
 SHEET TITLE: SOIL EROSION CONTROL PLAN

NEW BUFFALO ATHLETIC DEPARTMENT

1112 E. CLAY STREET
Mailing: PO Box 280
NEW BUFFALO, MI 49117
Ph: 269-469-6005 Fax: 269-469-2028

ATHLETIC DIRECTOR: MATT JOHNSON
mjohnson@nbas.org



March 1, 2021

Grand Beach Village Council
48200 Perkins Blvd.
Village Hall
New Buffalo, MI 49117

Dear Village Council,

I am writing to request use of the village golf course for the 2021 season of Golf. Boys golf is a spring sport with the Michigan High School Athletic Association. We would like to request the following arrangement:

1. The sum of \$400 will be paid to the Village of Grand Beach
2. Our coaches and athletic director will work closely with the pro shop to avoid any conflicts.
3. Golf practice begins the week of March, 22, 2021. We understand that the opening of the course will limit when the team can access the course.
4. Golf matches begin at 4:00pm. We would like to tentatively schedule the following dates for home matches with the course's approval:
 - Tue, March 30th
 - Thur, April 15th
 - Tue, May 4th

The pro shop will receive our roster and this will be updated as changes are made. We will communicate these changes through the pro shop.

We appreciate your consideration in this matter and value your commitment to the education of our youth.

Yours in Sport

A handwritten signature in black ink that reads 'Matt Johnson'. The signature is written in a cursive, flowing style.

Matt Johnson
Athletic Director
mjohnson@nbas.org
269-469-6051

From: "Gomolka, Greg"

Date: February 10, 2021 at 12:18:13 PM CST

To: "bohallowan grandbeach.org" <bohallowan@grandbeach.org>

Subject: RE: Comcast: Fox Trail residents

Hi Blake,

It was good talking with you.

Here is the estimate we spoke about.

Please let me know if you'd like to set up a call to discuss with Bob.

Thank you,

Greg

Project Type: No. of Passing's:	SDU			
	4			
	(Customer Contribution Required)	Labor:	\$	25,597.54
		Design Labor:	\$	431.25
		Material:	\$	4,688.10
		In-House Cap Labor	\$	1,068.77
		Optics:	\$	-
	\$ 10,141.19	\$	-	
	Total:	\$	31,785.66	

Short Term Rental Information (As posted on the Village Website)

Several years ago in response to mounting complaints of rental problems such as garbage, noise, excessive occupancy, parking, etc., the Village Council passed a rental resolution to manage rentals, require a formal permit or even prevent rentals if there were multiple complaints on a specific rental property.

We continue to deal with complaints, and therefore our efforts to eliminate them continue because they not only interrupt our residents' enjoyment of their homes, but diminish Village property values. If you encounter problems such as those mentioned, please report it to our Police Department immediately so they can stop such conduct.

We believe and hope that by educating owners and renters about the Village Rules and Ordinances, complaints such as these may be reduced, if not eliminated. We have developed a "Rental Packet" that contains Village information on our Rules and Regulations, information on garbage schedules, golf cart regulations, noise, fireworks, parking and other ordinances.

If you rent your home out, please download the Rental Packet or pick one up at the Village Office and familiarize yourself with it. Make sure that it is displayed and available in your home and require renters to review and agree to abide by the Village's Rules and Regulations during their stay.

We have also reached out to the various real estate rental agents in the area and have provided them with Rental Packets. We've asked that they provide them to owners and renters to be placed in rental properties, and that they also require review and acknowledgement of the Rules and Regulations by the renters.

We encourage you to cooperate in this effort to make Village rentals responsible and courteous – your neighbors and our Village are entitled to nothing less.

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

RESOLUTION NO. 2014-03

At a Regular Meeting of the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, held in the Village Hall, 48200 Perkins Blvd., Grand Beach, Michigan on the 20th day of August, A.D., 2014, at 7:30 o'clock p.m., Eastern Daylight Time.

PRESENT: Council Members James Bracewell, Paul Leonard Jr., Deborah Lindley, Kaye Moriarty and Blake O'Halloran.

ABSENT: None.

The following preamble and resolution were offered by Council Member Paul Leonard Jr., supported by Council Member Kaye Moriarty.

RESOLUTION

WHEREAS, the Village of Grand Beach ("Village") has experienced a significant increase in rental complaints involving excessive noise, trash, occupancy, parking and other nuisances. To insure the protection of the health, safety and "quality of life" of Village residents and to maintain property values in our residential neighborhoods, the Village has determined it appropriate to regulate the rental of residential dwellings, and

WHEREAS, the Village Zoning Ordinance provides that short term rentals (less than one year) are only permitted as a special land use in our strictly residential zoning districts and that owners shall be liable for the conduct of their tenants. Article XII of the Zoning Ordinance sets out the requirements to obtain a special land use permit, and

WHEREAS, the Village primarily relies upon citizen complaints to investigate and prosecute rental violations where appropriate.

NOW THEREFORE BE IT RESOLVED that the Village of Grand Beach hereby adopts the following Short Term Rental Special Land Use Process;

Short Term Rental Special Land Use Process

In the event the Village receives a complaint(s) involving a rental home and confirms that the home is being rented, the Village will require the owner to apply for a special land use rental permit as required by the Zoning Ordinance to continue to rent the dwelling.

Registration:

Owners of rental dwellings registering the rental property with the Village shall do so on an application form provided by the Village. At the time an application is filed, a registration and/or inspection fee in an amount established from time to time by the Village Council shall be paid in full.

The Registration application shall include:

- a. Address of the rental dwelling.
- b. Name, residence address, business address, business phone number, personal phone number, and email address of the owner, and property manager or local agent.
- c. Proposed number of occupants.

Registration shall be effective for three (3) years. Changes in registration information require re-registration within thirty (30) days.

Certification:

The Village shall issue a Certificate of Compliance when, following an inspection by the building inspector/ zoning administrator and/or his designee, it is determined the rental dwelling complies with the requirements herein.

The Certificate shall be valid for three (3) years. It may be revoked upon findings that the property fails to comply with Rental Permit conditions and/or for violations of the Village's codes and ordinances, or other applicable laws and regulations.

Inspections:

Before issuing a Certificate of Compliance, the Village shall inspect a rental dwelling to determine whether it is in compliance with the Village's codes and ordinances, the 2012 International Property Maintenance Code, and other applicable laws and regulations. Upon written notice from the Village, it shall be the owner's responsibility to schedule and allow the Village's inspection of the rental dwelling.

If the inspection reveals that the dwelling is not in compliance, the owner will be provided with a written list of deficiencies or violations that must be corrected before a rental permit is issued. An additional inspection fee may be incurred for follow-up inspections.

The Village may conduct additional inspections as it deems necessary, upon reasonable notice such as when (i) a complaint is filed with the Village, and (ii) the Village otherwise has reasonable cause to believe a dwelling is in violation of any Village ordinance or other applicable laws and regulations.

Records:

The owner or local agent shall obtain and maintain a document signed by the person responsible for renting the dwelling acknowledging the occupancy limit of the rental property, certifying the

number of persons who will be occupying the property and acknowledging Village regulations applicable to the rental property.

Each tenant shall sign a document acknowledging the occupancy limit and Village regulations applicable to the rental property, which document shall be maintained by the owner or local agent for inspection and copying by the Village. Compliance may be achieved by inclusion of the required information into a rental agreement (lease) signed by each tenant.

The owner or local agent shall obtain and maintain for Village inspection and copying the name, address and other contact information of each tenant/occupant.

Display of Applicable Ordinances:

The owner or local agent shall prominently display a full-size copy of the Certificate of Compliance, and a full-size copy of applicable Village ordinance sections including, but not limited to, trash, noise, occupancy and parking requirements.

Rental Permit:

Following registration, inspection and issuance of a Certificate of Compliance, the Planning Commission and Council will complete the Special Land Use process of Article XII of the Zoning Ordinance, including a public hearing with appropriate notice, and determine whether to approve a Rental Permit.

Revocation:

Rental permits may be revoked and rentals shall cease if rental permit conditions are not complied with or violations of Village or other applicable laws or regulations occur.

In the event there is a violation, and a second violation occurs within 12 months, the Permit will be revoked until re-issue by the Village; if a third violation occurs within 12 months, the Permit will be revoked for not less than one year.

Permit revocation will be determined by the Village Council with opportunity for hearing.

AYES: James Bracewell, Paul Leonard Jr., Deborah Lindley and Kaye Moriarty.

NAYS: Blake O'Halloran.

ABSTAIN: None.

RESOLUTION DECLARED ADOPTED.

MARY J. ROBERTSON, Village Clerk

CERTIFICATION

I, MARY J. ROBERTSON, duly appointed Village Clerk in and for the Village of Grand Beach, County of Berrien, State of Michigan, do certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Village Council during its regular meeting, held August 20, 2014, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Village Clerk

DRAFT

VILLAGE OF GRAND BEACH
BERRIEN COUNTY STATE OF MICHIGAN

ORDINANCE NO. XXXXX

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION AND REGULATION OF RENTAL PROPERTIES FOR THE BENEFIT OF THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC.

The Village of Grand Beach Ordains:

Section 1. Purpose.

The Village Council finds that the Short-Term rental of dwellings within the Village of Grand Beach is a matter closely connected with the public health, safety and welfare of the community. The Village Council has enacted this regulatory ordinance to strike an appropriate balance between the interests of community residents, visitors to the community, and real property owners wishing to engage in Short-Term rental of dwellings. While visitors to the community who rent dwellings on a Short-Term basis bring many benefits to the community, they can simultaneously create concerns surrounding issues of traffic, parking, congestion, litter, noise, and other similar issues. Meanwhile, issues related to fire safety and life safety codes must be considered in order to maximize the safety and well-being of all in the community. This ordinance is intended to strike the appropriate balance between competing interests.

Section 2. Definitions.

When used in this section, the following words and phrases shall have the meanings ascribed to them in this section:

Bedroom - A room intended for sleeping or placement of a bed, separated from other spaces in the Dwelling by one or more functional doors. The following spaces, which must be included in every Dwelling, do not qualify as bedrooms: (1) kitchens; (2) dining areas; (3) gathering spaces such as family rooms, dens, or living rooms; (4) corridors and (5) attics or basements without egress meeting standards in applicable building, residential, and fire codes. Bedroom as defined by Berrien County Health Department when determining septic system size for a home shall be the determining ruling for what defines a bedroom. When contested, the Berrien County Health Department at the owner's expense will inspect the property and determine the number of bedrooms per the septic system of the property.

Building Official - The official who is given authority to administer and enforce adopted building, electrical, mechanical, or plumbing codes for the Village of Grand Beach.

Code Enforcement Official - An individual or individuals appointed, employed or hired by the Village Council or its President to enforce the Village Ordinance regarding the registration and regulation of the rental properties for the benefit of the health, safety, and welfare of the General Public in the Village of Grand Beach. The individual or individuals, appointed at the discretion of the Village Council or its President, shall receive fees for the inspection, reinspection, complaint inspection, and billable court time. The Village reserves the right to increase or decrease the payable duties at any time under this Ordinance. When working in his/her appointed role for the Village, the Code Enforcement Official will be provided insurance coverage pursuant to the General Liability policy of the Village of Grand Beach.

Compensation - Money or other consideration given in return for occupancy, possession or use of a property.

Dwelling – A building, commonly referred to as a single-family home, designed for human occupancy that provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.

Single Family Home – A contiguous structure and out-structures (pool house, garage, sheds, etc.) that serve the purpose of housing a single group of people related by family and/or friendship.

Local Agent - An individual designated to oversee the Short-Term rental of a Dwelling in accordance with this article and to respond to calls from renters, concerned citizens, and representatives of the Village. The Local Agent or designee must live or maintain a physical place of business that allows them to be able to respond to any emergency situation within one hour. A property owner who meets these criteria may be the Local Agent.

Occupant/Renter - An individual who lives in, sleeps in, or otherwise possesses a space in a dwelling regardless of whether legal relationship of the owner/agent exists. An individual present in a Dwelling during the term of a short term rental shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours 8:00 a.m. ET and 11:00 p.m. ET and will not stay overnight.

Off Street Parking – Parking in a garage, driveway or on-site gravel area including the Village easement directly in front of the site so long as it is off the roadway and not impeding the flow of traffic. A parking space must be at least nine feet wide and 19 feet long.

Resident Property - A lot or parcel within any of the Village’s residential zoning districts.

Short Term Rental - The rental of a Dwelling Unit for compensation for a term of less than one year.

Minimum Rental Period – No rental agreement shall be for less than 6 nights between May 1 and September 30.

Section 3 Annual Rental Registration Application Exhibit A

All Dwelling Units on Residential Property used for Short-Term rentals shall be registered with the Village on an annual basis. The short term rental of an unregistered Dwelling Unit is prohibited under this Ordinance. To register a Dwelling Unit used for Short-Term rentals, the property owner or agent of the owner shall provide and certify as true the following on a form provided by the Village (Exhibit A & B that may be amended from time to time). Upon initial registration, the Dwelling shall be subject to an inspection prior to approval. Each year a new registration must be submitted to the Village Clerk and the required registration fees paid to the Village:

1. Name, address, and telephone number of the Owner and Local Agent for the Dwelling Unit.
2. The street address of the Dwelling Unit.
3. The number of bedrooms in each Dwelling Unit.
4. The number of off-street parking spaces provided for the Dwelling Unit.
5. The maximum number of occupants to which the applicant intends to rent the Dwelling Unit in any given rental period.
6. The length of the typical rental period for which the applicant intends to rent the property, which must not be less than 6 nights between May 1 and September 30.
7. A statement certifying that each bedroom has a working smoke alarm, that there is a working carbon monoxide detector on each floor, and that the owner or Local Agent will check those devices at least every 90 days.
8. A statement certifying that the property owner consents to inspections by the Village and will make the Dwelling Unit available to inspections upon request.
9. A statement certifying that the property owner or a Local Agent will provide at least one copy of the Village's Rules and Regulations to the renters each time the Dwelling Unit is rented.
10. Such other information as the Village deems appropriate.
11. Payment of an annual registration fee of \$300 per bedroom paid annually.
12. It is recommended that the property Owner obtain and keep in force Insurance covering Short Term Rental use of the dwelling.
13. Submit the property to and satisfactorily complete and arrange an inspection for compliance with applicable codes and ordinances at least once every three years. Inspections are to be arranged by the Owner and performed by a Village of Grand Beach Code Enforcement Official.
14. The rental registration is non transferrable and if Ownership of the Dwelling changes a new inspection and registration fee is required.

Section 4. Each Occurrence Rental Registration. (Exhibit B)

1. All Dwelling Units on Residential Property used for Short-Term rentals shall be registered with the Village on an annual basis (see section 3) and
2. For each occurrence the unit is rented a new registration form must be submitted to the Village Police Department by email. (Exhibit B).
3. Here we need a liability statement. Something that holds the Village harmless.

Section 5. Short-Term Rental Regulations.

1. Local Agent required. All Dwelling Units used for Short-Term rentals shall have a designated Local Agent. The Local Agent must inspect the dwelling at least once every 30 days while rentals occur. The Local Agent must ensure that the dwelling is kept up to all applicable building codes. The Local Agent must promptly address any issues that would affect health and safety of the renter or the Village of Grand Beach.
2. Contact information posted in window. Each dwelling unit shall have posted in a prominent first floor window of any Dwelling Unit used for Short-Term rentals (in at least 24-point type) the Village assigned numerical identification and the maximum occupancy of the Dwelling Unit as permitted by this ordinance. This notice must be posted at all times.
3. Street address posted within Dwelling Unit. The street address of the property shall be posted in at least two prominent locations within the Dwelling Unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.
4. The property must have a working land line phone to facilitate emergency first responder's location of the dwelling.
5. Maximum occupancy. The number of occupants in a Dwelling Unit during a Short-Term rental shall not exceed the lesser of: (i) 16 total adult occupants; or (ii) 2 adult occupants per bedroom, plus two additional adult occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code. Total occupancy at any time, adults and children, shall never exceed four people per bedroom. Maximum occupancy shall be calculated by the owner on their initial registration and confirmed by the Code Enforcement Official after inspection.
6. Dwellings with more than five bedrooms or more than 5,000 square feet may appeal to the Grand Beach Village Council to request an appeal to these allowed occupancy limits.
7. No more than one rental is allowed on any given Dwelling/property at one time.
8. Short Term Rental Liability insurance should include coverage for all amenities of the Dwelling including but not limited to pools, play structures and usage of golf carts.
9. All the following must be provided:

Smoke detectors and carbon monoxide devices. The owner or Local Agent of a Dwelling Unit used for Short-Term rentals shall:

- i. Install and maintain an operational smoke detector in each bedroom and test such smoke detectors per manufacturer's guidelines but no less frequently than every 90 days to ensure that they are properly functioning.
 - ii. Install and maintain at least 1 operational approved carbon monoxide device of the type described in MCL 125.1504 on each floor and test such devices per manufacturer's guidelines but no less frequently than every 90 days to ensure that they are operational.
10. Fireworks. No fireworks shall be used on the premises of a Dwelling Unit registered under this ordinance at any time it is being rented. Fireworks are not allowed on public property at any time.
 11. Zoning compliance. Short-Term rentals may be regulated in the Village Zoning Ordinance, and nothing in this article shall be construed as excusing compliance with

zoning requirements.

12. Golf Carts. Use of any Golf Cart will comply with rules and regulations for their use as regulated by the State of Michigan and must have a Grand Beach Village parking sticker for use in the Village of Grand Beach. Short Term Rental insurance should include coverage for golf cart usage.
13. Garbage Cans. Any rental property registered for occupancy of 8 or more must have two (2) recycling garbage cans and two (2) regular garbage cans on site at all times. The owner/agent shall arrange and pay for the second garbage cans to be supplied by the garbage contracting company that the Village uses.
14. Garbage and Recycling Instructions. Instructions to the renter for proper garbage and recycling disposal must be posted prominently in at least two prominent spaces within the home. Instructions to include all days and dates specific to that year.
15. Attics and basements. No attic or basement can be counted for the purpose of determining the maximum number of occupants in a Dwelling Unit during a Short-Term rental, unless the property owner or Local Agent has given the Village, in writing, consent for the Village to inspect the premises to verify whether that attic or basement meets the applicable egress requirements for occupancy in the Michigan Construction Code, the Michigan Residential Code and the applicable fire codes.
16. Rules and regulations (exhibit C). A copy of the Village of Grand Beach rules and regulations shall be provided for each rental. The owner/agent shall supply the copy to the renters and must obtain a statement signed by the renters that they have read and agree to the follow all rules and regulations of the Village of Grand Beach.
17. Two (2) car parking spaces must be provided in every instance of rental and one additional space must be provided for every four (4) occupant/renters. Parking on the front or side grass lawn area is strictly prohibited at any time.

Section 6. Violations; revocation of registration.

Violations as municipal civil infractions. Any violation of a provision of this article shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other provision of this Code of Ordinances, violations and fees of this article are subject to the following fines and costs:

1. Short-Term rental of unregistered dwellings. The fine for leasing an unregistered Dwelling Unit in violation of section 1,3 and 4 is the annual registration fee times three (3) for a first violation and the annual registration fee times six (6) for each subsequent violation.
- 2.. Maximum occupancy. The fine for exceeding the maximum occupancy in violation of subsection (3)(4) and (5) is the annual registration fee times five (5) for a first offense and times ten (10) for each subsequent offense.
3. Other provisions. Fines for other violations of this article are as follows: \$500.00 for a first offense, \$1,000 for a second offense, and \$2,000.00 for each subsequent offense.
4. Application for initial registration and inspection. The fees are enumerated in Section 3.12.
5. Annual Registration. This registration must be submitted every year.

6. Billable court time. The fee for the Code Enforcement Official's time in court is \$150.00 per hour

7. Unpaid fines and fees. All unpaid fines and fees will be placed on the property owner's utility/water bill for the Village of Grand Beach, for collection. All fines and fees are considered past due after 30 days from the violation and will accrue interest charges at the rate of 1% per month

Section 7. Revocation of registration.

1. Offenses warranting revocation. The Village may revoke the rental registration for any Dwelling Unit which is the site of at least 3 separate incidents (occurring on 3 separate rental periods) within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the owner, Local Agent, or any renter for a violation of two or more of the Village's Code of Ordinances.

2. Revocation Procedure. Upon a determination by the Code Enforcement Official that the registration of a Dwelling Unit is subject to revocation pursuant to subsection (6)(1), the Code Enforcement Official shall issue a notice to the property owner and the Local Agent stating that the Village intends to revoke the rental registration. The notice shall inform the owner and Local Agent of a right to a hearing to show cause as to why the registration should not be revoked, if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Village shall schedule the hearing with the Village Clerk and notify the owner and Local Agent in writing of a time and place for that hearing. The hearing will be with the Code Enforcement Official and if the ruling of that hearing is disputed, a subsequent hearing will be held with the Village Council. At the hearing, the owner and Local Agent may present evidence that the requirements for revocation provided in subsection (7)(1) are not satisfied, or that the property owner and Local Agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as: (i) the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation; (ii) the violation resulted from an act of God; or (iii) other circumstances that the owner or the owner's agent could not reasonably anticipate and prevent, and could not reasonably control.

3. Proof of Rental. The following constitutes presumptive evidence that a dwelling or Dwelling Unit is being used as a rental property.
 - a. The property is occupied by someone other than the owner or his/her immediate family or friends of the owner's family.
 - b. Persons residing in the Dwelling Unit represent that they pay rent to occupy the premises.
 - c. A dwelling or Dwelling Unit which has been published as being available for rent or

lease

4. Revocation Period and Effect. Upon revocation of registration, a Dwelling Unit cannot be re-registered for a period of 1 year and cannot be used for Short-Term rentals until re-registered. The Dwelling Unit may be re-registered after the 1-year period if all the registration requirements of this ordinance and the zoning ordinance are satisfied, and if Short-Term rentals are still a permitted use under the zoning ordinance in the area where the unit is located.

Section 8. Adoption.

The Village Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 30 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

This concludes the Village of Grand Beach Rental Ordinance.