

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
JUNE 19, 2019**

CALL TO ORDER

Council president Deborah Lindley called the regular council meeting to order at 7:30 p.m. EST. Present in addition to Lindley were James Bracewell and Paul Leonard Jr. Blake O'Halloran and Steve Slater were not in attendance.

ADOPT AGENDA

Leonard moved, seconded by Bracewell to adopt the June 19, 2019 agenda as presented. Motion carried unanimously 3-0.

ADOPT CONSENT AGENDA

- a. Approve Village Council Minutes:
 - i. Regular Council Meeting, May 15, 2019
 - ii. Special Council Meeting - Budgets, May 23, 2019
 - iii. Special Council Meeting – Ethics Ordinance, May 23, 2019
- b. Hall Rental Request – Susan Giglio (New Buffalo Lions Club), January 25, 2020
- c. Pay Bills with Written Additions

Bracewell moved, seconded by Leonard to adopt the consent agenda. Motion carried unanimously 3-0.

PRESENTATIONS/RECOGNITION

COMMISSION REPORTS

BUILDING & ZONING: Bracewell reported that they have made progress on the two building sites that have been discussed over the last several meetings. Village Attorney Sara Senica had a meeting with the Oak Avenue owner. Building Inspector Bill Lambert told the Council that the owner on Oak has submitted a schedule and he does see progress, although the project is a little behind schedule. The home in Fifteen Acres is also moving along.

PARKS & BEACHES: Slater was not in attendance. Lindley thanked Parks and Recreation Committee member Ed Brandes for writing a really nice grant request to the Carls Foundation asking for \$50,000 to be used for the purchase of the 42 Acres. The Village has raised \$205,700 so far for the purchase, leaving a balance to be raised of \$282,300. She clarified what was written in the letter that went out with the water bills stating that the Village is not doing a special assessment for the 42 Acres. The Village is still accepting donations and needs to have a firm amount of donations in order to sign the agreement with the State of Michigan to receive the MDNR grant. She said that some people are saying the price of the property is too much, but the Village only needs to raise \$430,000 for a beautiful piece of nature after being awarded a \$58,000 grant from municipal funds from The Pokagon Fund. She said the purchase will only happen if the community supports this. The prior Parks and Recreation Committee worked hard to get this grant and the current Parks and Recreation Committee might be applying for future grants, but if we don't get this grant, she is afraid that other doors will be closed.

Sheila McGinnis of Friends of the Grand Beach Nature Preserve (42 Acres) said there is a fundraiser set for July 20, 2019 at the club house with a live and silent auction rounds of golf, restaurant certificates, annual golf passes for Grand Beach Golf for the 2020 season and a couple of getaways being auctioned of. She asked if anyone has a restaurant or spa that they visit often that they ask if they would donate a certificate for the silent auction.

STREETS & WATER: Leonard reported that the usual activities are taking place with testing of the water and maintaining equipment. If you see a pothole that needs to be filled, let the Village know so that the crew can get it on their list of things to do.

Regular Council Meeting – June 19, 2019

POLICE: Lindley reported that she and Jim Bracewell, Interim Chief Jamie Flick, Michiana Chief Ryan Layman, Michiana’s Council President and Police Commissioner met recently to discuss the possibility of forming a Police Authority Board and they have a first draft of a police agreement. She thinks the Council needs to discuss a monetary payment to Michiana since they have been covering for Grand Beach. She reported that there was a fire in the 42 Acres over the weekend and reminded people to be very careful because fires can start even with the wet conditions. She said there is a new state fireworks law and violators will be fined \$1,000 for shooting off fireworks at times when they are not allowed.

PRO SHOP & GOLF COURSE: O’Halloran was not in attendance.

SERVISCAPE REPORT

Clay Putnam reported that routine maintenance is ongoing. They are edging sand traps. They experienced debris on the course last Thursday during the storms. He thanked the maintenance staff for help cleaning up a large tree that came down during the storm.

PERSONNEL REPORTS

SUPERINTENDENT: Superintendent Bob Dabbs was not in attendance.

INTERIM POLICE CHIEF: Interim Police Chief Jamie Flick was not in attendance. Michiana Police Chief Ryan Layman was in attendance and said that personnel wise, the Police Departments are getting ready for Family Fest.

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

UNFINISHED BUSINESS

Ethics Ordinance

Lindley explained that our Village Attorney gave the Council an Ethics Ordinance which was reviewed in May. She said she put it on the agenda again this month so that the Council could review it and discuss any changes. Leonard said Council Member Slater circulated his comments about the ordinance with most of the comments referring to the vague language included. Leonard said since he and Slater both have legal backgrounds, he suggests that he and Slater work on the ordinance and bring it back to the council for their review at the August meeting.

Leonard moved, seconded by Lindley that he and Steve Slater be directed to review and edit the Ethics Ordinance for purposes of presenting it to the Council at the August meeting. Motion carried unanimously 3-0.

Lindley stated she would like all Council members to submit comments to them regarding the ordinance. Bracewell would love to see if the five municipalities that have approved it would submit to us what they approved and adopted because he doesn’t want to reinvent the wheel. Bracewell told those in attendance about a situation that the Village Attorney told the Council about when speaking about an ethics ordinance regarding Council members that were charged with an Open Meetings Act (OMA) violation which involved two members driving a car and making a phone call to a third council member on a speaker phone. He gave an example of a Council Member in another location who did not pay his property taxes for three years. Bracewell said that if you are an elected official, this is a reflection on the entire group and people who have run for an office are held to a higher level of accountability in the eyes of the law, specifically the Berrien County prosecutor when it comes to the OMA. Lindley said she has talked to the township and the city and they both have an ethics ordinance.

NEW BUSINESS

Chief Dan Schroeder – Continuation of Sick/Vacation/Insurance

Lindley stated that the four months of sick and and vacation pay the Council approved for Police Chief Dan Schroeder while he is on workman’s compensation is over. Schroeder still has 343 hours of sick and vacation time available and he is using 20 hours per pay period or 17 pay periods or 8 ½ months of pay remaining.

Lindley moved, seconded by Leonard to continue with the decision that the Council made at the February 20, 2019 special council meeting regarding Police Chief Dan Schroeder and to reevaluate this again at the next meeting. Motion carried unanimously 3-0.

Test Well – Irrigation for Golf Course

Lindley said that Golf Commissioner Blake O’Halloran would like to include bids for a test well for golf course irrigation on the July agenda. She said there is \$16,750 set aside in Capital Projects for this expenditure. John Deaner who previously led an irrigation study explained that if the well is not usable it has to be filled back in per state law, and in the worst case scenario if the well is not usable, the cost would be approximately \$25,000 to drill the well, remove the apparatus and fill it back in.

State of Michigan “Road Diet” – US Highway 12

Lindley said the State of Michigan is planning to change US Highway 12 from the state line in Indiana into the City of New Buffalo from four lanes to one lane in each direction with a turn lane in the middle. She said there could also be a bike lane along the highway. Interim Police Chief Jamie Flick has written a letter to be sent to the State of Michigan regarding our concerns for the “road diet”.

Lindley moved, seconded by Bracewell that the letter written by Interim Police Chief Jamie Flick be mailed to the State of Michigan. Motion carried unanimously 3-0. Bracewell said we should contact our Berrien County Road Commissioner Ezra Scott about the “road diet”.

Fireworks Ordinance

Lindley explained that Village Attorney Sara Senica drafted a new fireworks ordinance for the Village per the state law that reduces the days and hours that fireworks are allowed and imposes a \$1,000 fine for violations. She said it is very wet now and we still had a fire in the 42 Acres over the weekend, so keep in mind that fireworks can cause fires regardless of whether it is wet or dry. Lindley stated that nobody should be doing fireworks on public property or on the beaches. Fireworks should only be done on your own property.

Leonard moved, seconded by Lindley to adopt the “Fireworks Ordinance” as presented by Attorney Sara Senica. Motion carried unanimously 3-0.

Bid - Clean Water Tower

Lindley said this item will be tabled because the charter states that “no appropriation shall be increased, except by a 4/5 vote and there are only three council members present.

Bids - Royal Avenue Non-Motorized Path

Lindley said this item will be tabled for the same reason.

Budget Amendment – Major Street Fund 2018-2019

Lindley explained the budget amendment is not necessary since the Non-Motorized Path was not discussed.

Ground Compactor Purchase

Lindley moved, seconded by Bracewell to approve the purchase of a ground compactor at a cost not to exceed \$2,500. Motion carried unanimously 3-0.

Letter Template and Contact Information - Beach Erosion

Lindley explained that Brian Byrnes of New Buffalo Shoreline Alliance provided the Village with a letter template and contact information to be used to submit letters to state officials regarding the beach erosion and funding for the problem. Byrnes requested that property owners send letters in to the state officials. The template and contact information will be available on the Village website and at the Clerk's office.

AUDIENCE RECOGNITION

John Rafkin of Marjeanette Avenue said that over the past 15 years and especially recently, there is a constant barrage of noise with gas leaf blowers, power washers and chain saws which starts on Saturday morning and goes all the way through the weekend. He asked the Council to consider banning gas leaf blowers or limiting the hours that this type of equipment is used. He also suggested a letter or email be sent out regarding this matter.

Lindley said that Clerk-Treasurer Mary Robertson spoke with the Village Attorney about this and she said that she doubts a judge would uphold this. She also said that if the council put something like this into effect, the Village would also be affected and would not be able to do work on the golf course during those times.

Leonard said technology is changing and more manufacturers will see a market and sell more equipment that is electric. Bracewell suggested calling the police if the noise is a bother.

Lynn Bolanowski of Whitewood Avenue thanked Superintendent Bob Dabbs and his crew for putting the second set of stairs in at Whitewood. She asked about the pollution in White Creek and what could be done. Leonard said it was determined that a local business had their bathroom facilities tied into White Creek, and once that was discovered, it was corrected. He said that Michigan has known that White Creek is one of the most polluted waterways in Michigan for a long time. Leonard said if there is a problem with E.coli, the beach gets shut down.

John Deaner of Hicks Avenue said he is totally against regulating the use of gas leaf blowers because he as a homeowner does his own leaves. He said he has been an advocate for regulating landscapers in the Village for a long time. He said there were two fires in the 42 Acres and it was difficult to get a fire truck in to the area and suggested that the Village come up with a better ingress/egress for fire trucks to get into the 42 Acres.

CORRESPONDENCE

The following correspondence was received.

John Rafkin – Lawn & Home Maintenance Noise

Maggie Testore – 42 Acre Donations

Lindley introduced Interim Executive Director of The Pokagon Fund, John Krsul. Krsul said he will be acting as the Executive Director for the next few months as they look for a new director. He said they are very pleased to see what has been done with the 42 Acres and said it is a marvelous project.

ADJOURNMENT

Bracewell moved, seconded by Leonard to adjourn the meeting. Motion carried unanimously 3-0. With no further business, the meeting was adjourned at 8:55 p.m. EST.

Regular Council Meeting – June 19, 2019

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer