

**Bellaire Village Council
Meeting Minutes
June 6, 2012**

1. **Call to Order:** President Schulz called the meeting to order at 7:00 PM.

2. **Roll Call Attendance:**

Present: Officers Dave Schulz, Butch Dewey, Anne Wendling (7:03 pm), Trish Drollinger, Brent Nelson & Helen Schuckel (7:49 pm).

Absent: Dennis Balon

Staff Present: Cathy Odom, Treasurer & Janet Koch, Clerk.

Also Present: Colette Stanish, Cindy Dinofrio-Hickman, Mike Bigelow, Brent Baldwin, Steve Lacy, Quint & Judy White, Mary Ellen Murphy, Rachel Krino, John Fleet & Linda Gallagher, Terry Lantner, Tom Sheneman & Theresa Youmans.

3. **Approval of Agenda:** The agenda was approved.

Motion by Nelson, seconded by Dewey, to approve the agenda with the additions of old business item c, Richardi Park water testing, new business item C-2, committee assignments, item m, 204 E. Cayuga-nuisance complaint, item n, Amerigas Complaint. Motion carried by unanimous voice vote.

4. **Conflict of Interest:** None presented.

5. **Consent Agenda:** The consent agenda was approved.

Motion by Nelson, seconded by Drollinger, to approve the consent agenda as presented. Motion carried by unanimous voice vote.

6. **Public Comment on Agenda Items:**

- Brent Baldwin: introduced himself, stated that he was running for the County Register of Deeds position and asked for our support.
- Tom Sheneman: addressed a letter he sent to the board about an incident with a police officer.

7. **Old Business**

- a) **Lobby Color:** This was postponed from last agenda so a consensus could be gathered from council members on its like or dislike. Some members didn't care for it, one did and the other stated he voted no for it the first time around and still agrees with his decision. After discussion, Council would like Parkside to present several other options that would tone down the color.
- b) **Checking Account Signature Resolution:** The Village accounts currently require two signatures on transactions. Council discussed having three signatures, the President, Pro-tem and the Treasurer, on all village checking accounts. This would solve issues when one person is not available.

Motion by Schulz, seconded by Dewey, to approve the banks corporate authorization resolution and have the President, the Pro-tem and the Treasurer as signatories on the Village accounts. Motion carried by roll call vote. Ayes: Dewey, Drollinger, Nelson, Wendling & Schulz.

- c) **Water Testing-Richardi Park:** At the last meeting we found that the health department is no longer testing inland swimming waters. Council approved spending of not more than \$250 for us to provide the testing. In getting things ready for the testing, it was found that the cost would be more than expected. The cost would be \$100 if the health department draws the samples and \$18 a sample for the testing. We can draw the samples and not have to pay that fee, but then we would have to get it to the testing site in Gaylord, which is then labor and time. How many times we

would sample would be up to Council. Testing results could be posted at the beach, on the website and on our facebook page. Nelson stated we need to consider the safety of the swimmers. Trustee Nelson, Drollinger and Dewey said they would each be willing to take one day of samples to Gaylord to save the cost for the Village.

8. New Business

- a) **Resignation Letter:** Trustee Balon turned in his resignation and gave up his seat on the Council citing lack of time to serve due to his new business venture as the reason. He had served on the Council for over twenty (20) years. It was be effective June 1, 2012.

Motion by Dewey, seconded by Nelson, to accept, with regret, Mr. Balon's resignation on the Village Council, effective June 1, 2012 and to present him with a certificate for his many years of service at a later date. Motion carried by unanimous voice vote.

- b) **Vacant Seat:** Due to Mr. Balon's resignation, there is a vacant Council seat. This seat will be filled until the November election. This was postponed until the next meeting so posting in the paper for applicants could be completed.
- c) **Pro-Tem:** Mr. Balon served as the Village pro-tem and due to his resignation a new pro-tem will have to be chosen. President Schulz nominated Trustee Dewey and there were no other nominations.

Motion by Schulz, seconded by Nelson, to approve the nomination of Trustee Dewey as the Village President Pro-tem. Motion carried by unanimous voice vote.

- c-2) **Committee Assignments:** With the vacant Council seat, committee assignments will have to be adjusted. President Schulz also asked the members to let him know if they were interested in specific committees let him know and he would like the new member to chair one committee and serve on at least two more. This was also postponed until the next meeting.

- d) **Fireworks:** The Michigan Fireworks Safety Act legalizes the sale, use and possession of consumer fireworks. These would include firecrackers, roman candles and bottle rockets. Local ordinances cannot regulate the sale of fireworks, but can enact ordinances regulating ignition, discharge and use of them. They cannot, however, regulate their use the day before, the day of and the day after a national holiday.

- e) **Yoga in the Park:** Mr. & Mrs. Thomas are summer residents to Bellaire and Mrs. Thomas would like to offer yoga classes at the park in July & August. Drollinger noted that we have allowed this in the past as long as a profit was not made due to it being a public park.

Motion by Drollinger, seconded by Schulz , to allow Mrs. Thomas to provide yoga classes in the park as long as they are offered free of charge. Motion carried by voice vote.

- f) **Office Doors:** The gate that blocks off the office area when the museum is open needs to be open now for the Arts Council. Providing more secure doors for the office area would prevent the gate from needing to be locked. Trustee Dewey mentioned that this was discussed during the budgeting process.

Motion by Schulz, seconded by Drollinger, to have DPW Supervisor to review door options that would not exceed the amount that is budgeted. Motion carried by unanimous voice vote.

- g) **Lifeguard:** Billy Bohannon has expressed his interest in serving as the lifeguard again this year. He stated he is in need of the blood born pathogen class and it was noted that he can register for the class online. Wages were discussed. Forest Home and Kearney Township will share the cost again this year.

Motion by Dewey, seconded by Nelson, to offer Bill Bohannon the lifeguard position at a rate of \$2,500 for the summer season. Motion carried by unanimous voice vote.

h) Camping Fee Waiver Request: The high school girls softball coach asked if the Council would consider waiving the fees for an evening of camping with the team. Schulz stated that fees have not been waived in the past for others who have asked. Due to not setting precedence Council did not waive fees, but Trustee Nelson will talk with the coach and maybe someone can donate the fees for the camping.

i) Cemetery Committee Recommendations:

- **Cemetery Ordinance Amendment:** The Cemetery Committee met and reviewed a request to approve a marker that is higher than the current ordinance allows. Clerk Janet Koch, reviewed the cemetery markers in the area of their plot and the older side of the cemetery does have different size markers. The new ordinance, if approved, will allow for the higher markers in the older section of the cemetery and leave it as is in the newer side. The reason for the original ordinance was to help ease the maintenance of the cemetery. The cemetery committee recommends its approval.

Motion by Schuckel, seconded by Schulz, to approve Ordinance #01 of 2012, amending the Chapter 29, section 29-7 E. Motion carried by unanimous roll call vote.

Ayes: Schuckel, Dewey Drollinger, Nelson, Wendling & Schulz.

- **Snowstorm Maintenance:** The Cemetery Committee also discussed some major clean up that needs to be done at the cemetery due to the snow storm in March. This maintenance is not in the budget. The committee recommends that the DPW complete the necessary maintenance. It was noted that Forest Home Township will help with some of the costs.

Motion by Schulz, seconded by Schuckel, to perform the necessary maintenance at the cemetery from the March snowstorm with Forest Home Township picking up half of the costs. Motion carried by unanimous voice vote.

j) Resolution #10 of 2012, Millage Rates: Proposed millage rates are set at 10.9943 for the general fund, 3.1375 for streets and 1.4800 for the sewer bond debt.

Motion by Dewey, seconded by Schuckel, to approve Resolution #10 of 2012, setting the millage rates and authorizing the President and Clerk to sign the tax rate request for Antrim County Equalization. Motion carried by unanimous roll call vote.

Ayes: Dewey, Schuckel, Drollinger, Nelson, Wendling & Schulz.

k) Soccer Park Well Recommendation: The well at the soccer park is cavitating or drawing air. Two options exist for repair. One is to install a kapac seal at a cost of approximately \$500. The other alternative is to install a metered water service costing approximately \$2,200 and a monthly water bill to the village.

Motion by Dewey, seconded by Schuckel, to proceed with the option to install a Kapac seal at the soccer park well. Motion carried by unanimous voice vote.

l) Bridge St. Clean Up-MDOT Letter: President Dewey-Schulz stated that he has received complaints of overgrown grass & brush about an area of property on Bridge St. owned by MDOT. Clerk Koch noted that this was part of a right of way and is not sure if this is the same as owning a piece of property. It is located about 15' from the roadway on the west side of Bridge St. by the bridge. President Schulz suggested a polite letter to them and ask them if it can get cleaned up. Council agreed.

m) 204 E. Cayuga-Nuisance Complaint: Residents, Mr. & Mrs. Fleet who reside on Cayuga St. sent a letter to council in complaint of a residence at 204 E. Cayuga that is in violation of the nuisance ordinance. Various portions of the nuisance ordinance were cited in the letter. The owners are the same ones that own where the Baywinds ATM is located and in previous years the Village was in litigation with them for a lengthy period of time to get that property cleaned up. Council agreed that it has to be addressed and the police department should start with

sending a letter. Doing the work ourselves with the cost being placed as a lien on the property taxes was discussed. Trustee Nelson stated that we should make sure we have documentation for every step and a letter should be sent by certified letter. Sending it restricted certified was also discussed.

Motion by Dewey, seconded by Schulz, to have our Chief of Police send a letter that they are in violation of the nuisance ordinance and that they are requested to clean it up and if that doesn't work we will then take steps from there. The motion further states that the letter be sent certified. Motion carried by unanimous voice vote.

- n) **Amerigas Complaint:** The village was contacted verbally by Mrs. White with a complaint about the smell of propane burn off and an observation of possible chemicals being released on the property at Amerigas. President Schulz stated that Council received a statement from Chief Rowe where he met with Amerigas. Amerigas also provided some information on safety data and there is conflicting information between Mrs. White and what the owner/manager of Amerigas told Chief Rowe. President Schulz would like to send this to the Public Safety Committee for their review and recommendations on how to proceed. Drollinger asked if they could be asked to stop doing this in the meantime.

Motion by Schulz, seconded by Drollinger, to move this to the Public Safety Committee for their recommendation and also their research to find out if we can ask Amerigas to suspend the burn off and any potential discharge of fluid on their property with the provision that Public Safety provide a report and provide a recommendation at the next village council meeting which will be Wednesday, July 18. Motion carried by voice vote.

9. Discussion Items:

- Patty Niepoth who is running for the Antrim County Register of Deeds dropped off a letter to President Schulz, was asked to present it to Council and is asking for our support.
- A celebration is being planned for July 7, 2012 by the Bellaire Historical Society, for the 75th anniversary of the community hall building.

10. Department/Committee Reports

- President Schulz:* None presented.
- Committee Reports:* None presented.
- Clerk/Planner:* We received the Antrim County Master Plan for our review and any comments that you would like to make should be directed to Joe Meyers at the planning office.
- Deputy Clerk/Treasurer:* The audit is complete but we have not received the official copies as of yet. The annual reports, the F-65 & the Act 51, have been sent in.
- Department of Public Works:* None presented.
- Police Department:* None presented.
- Planning Commission:* None presented.

11. Closing Member/Public Comment:

- Anne Wendling:* attended the dedication of the veterans memorial and it was very nice.

- b) *Trish Drollinger*: went to a Rotary Club meeting and discussed some park issues. They recommended that we provide specific repairs that we would like done and they will see if they can help. She is discussing what is needed at Craven with the schools to present to the Rotary Club. Discussion of sharing costs was discussed at the Rotary meeting.
- c) *Mike Bigelow*: from 1904 Eddy School Rd. stated that the County allows ORVs on the roads within the County. He assumed that they could ride within the Village limits, but then found that they are not allowed to ride on the village roads. He is asking that the Village send this to committee to readdress and allow ORVs on Village roads. It was noted that we didn't allow them on the roads due to the young ages of people that would then be allowed to ride them through town.
- d) *Steve Lacy*: from Maple St. would also like the ORV issue readdressed.
- e) *John Fleet*: stated that the County adopted their ordinance, but left it up to each individual municipality to decide for themselves to allow or disallow ORV's.
- f) *Bill Drollinger*: stated that if the Village decides to allow them, then he recommends that we pattern our ordinance with the County's so the rules are similar.
- g) *Terry Lantner*: from 611 E. Cayuga stated that he gets ORVs at the gas station, most are responsible and has not seen too much teenage abuse concerning this.
- h) *Tressa Youmans*: asked if the letter she sent in is going to be addressed. President Schulz informed her that the Administration Committee met and requested the Chief of Police to contact the parties involved and is still in the process of investigating.

12. Adjourn: Meeting adjourned at 8:45 P.M.

Compiled by Cathy Odom
 Minutes are subject to approval.

Approved: _____

Date: _____