

**Bellaire Village Council  
Meeting Minutes  
November 6, 2013**

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

2. **Roll Call Attendance:**

**Present:** Officers David Schulz, Council Trustees Trish Drollinger, Butch Dewey, Eldon McPherson, Helen Schuckel, Dan Bennett & Laura Sexton.

**Absent:** N/A

**Staff Present:** Cathy Odom, Treasurer, Janet Koch, Clerk & Brad Rowe, Chief of Police Office and Ken Stead, DPW Supervisor.

**Also Present:** Colette Stanish, Jan Kellogg, NLEA, Linda Gallagher, Antrim Review & Rolland Fink, Uniquely North.

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

**Motion by Bennett, seconded by Schuckel, to approve the agenda with the additions of new business item a (1), Letter of Resignation, item m, Letter of support-Antrim County Fair, item n, Planning/Zoning training, discussion item b, MDOT, annual certification, item c, Generators & item d, Christmas Party. Motion carried by unanimous voice vote.**

4. **Conflict of Interest:** Trustee Drollinger noted her conflict with new business item a (3), interim measures for zoning administrator and item c, planning commission appointment and will abstain.

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

**Motion by Dewey, seconded by McPherson, to approve the consent agenda as presented. Motion carried by unanimous voice vote.**

6. **Public Comment on Agenda Items:** None presented.

7. **Old Business:**

a) **Durham St. Property Update:** Chief Rowe stated that tickets have been issued for the nuisance ordinance violations. As far as the possible zoning issue, our attorney's may have a conflict and it is recommended that we seek different counsel on whether to proceed with that. We have received the name of other counsel from our attorney's. The Chief would like to have the Planning Commission discuss if this should be in our ordinance. He explained that this ordinance was developed in reaction to the Medical Marijuana Act to allow for some regulation and there are now different opinions on whether this should be or can be regulated within the Village. He said he thinks it is a violation of our zoning ordinance but he questions whether we want this in our zoning ordinance at all. Koch informed the Planning Commission of the issue so they are aware. She stated that much of this is still working itself through the court systems with question marks about all of it. Chief Rowe requested a formal hearing so that the owner just can't pay the ticket and forget about it. The formal hearing will result in a judgment on what they will have to do to bring the property into compliance. This deals with the nuisance violation only not the zoning violation. President Schulz stated that we can have the Planning Commission look into this. Koch noted that the Planning Commission is not scheduled to meet until February, unless a meeting is scheduled sooner.

8. **New Business:**

a. **Administration Committee Recommendations:**

1. **Letter of Resignation:** Janet Koch presented her letter of resignation as she has taken another position at the County.

**Motion by Drollinger, seconded by Schulz, to accept, with regrets, Janet Koch's letter of resignation. Motion carried unanimous voice vote.**

2. **Clerk/Planner Position:** The Administration Committee met and is recommending that we pursue a replacement for the clerk/planner position by placing advertisements in the paper.

**Motion by Schulz, seconded by Dewey, to pursue placing ads and proceed with the selection process for the Clerk/Planner position. Motion carried by unanimous voice vote.**

3. **Clerk/Zoning Administrator Interim Measures:** The Administration Committee is also recommending that in the interim, Bill Drollinger act as the zoning administrator at a yearly salary of \$8,000 and that Cathy Odom be paid an additional \$2.00 per hour for the extra duties she will perform until the position is filled.

**Motion by Schulz, seconded by Sexton, to name Bill Drollinger as the interim zoning administrator at a yearly salary of \$8,000 and to pay Cathy Odom an additional \$2.00 per hour for the extra duties she will be perform until the position is filled. Motion carried by voice vote with Trustee Drollinger abstaining.**

- b. **ZBA Appointment:** Mr. Ciganick's position on the ZBA is expiring. He is interested in serving another term.

**Motion by Schulz, seconded by Bennett, to reappoint Dave Ciganick to a new term on the Zoning Board of Appeals expiring on November 15, 2016. Motion carried by unanimous voice vote.**

- c. **PC Appointment:** Bill Drollinger's term on the Planning Commission is expiring and he is interested in serving another term.

**Motion by Schulz, seconded by Bennett, to reappoint Bill Drollinger to a new term on the Planning Commission expiring on November 30, 2016. Motion carried by voice vote with Trustee Drollinger abstaining.**

- d. **Arndt Electric Donation:** If a flag is not lowered in the evenings it is supposed to be lit up. Mr. Silk donated a light for our flag pole and the labor to install it. Trustee Dewey stated he would like to see a copy of the letter sent to the American Legion.

**Motion by Schulz, seconded by Sexton, to authorize the Village President to sign a letter of thanks on behalf of the Village Council and to send a copy of the letter to the American Legion. Motion carried by unanimous voice vote.**

- e. **Credit Card:** Alden State Bank notified the Village that their credit card had been compromised due to a purchase made online. They cancelled the card and reissued another one to replace it. President Schulz suggested that we apply for a second card to use for online purchases with a limit of only \$500 so if this happens again, the limit on the card will reduce potential exposure of our card.

**Motion by Drollinger, seconded by Dewey, to apply for a second credit card with a limit of \$500 to use for online purchases. Motion carried by unanimous voice vote.**

- f. **Copy Machine:** The copy machine that the village currently has is showing signs of wear due to its age. Parts are no longer available for it. The vendor stated they have a machine that is similar to what we use currently and offer us an additional discount because we are a long standing customer. They will supply us with a machine now and we will not be billed until the next fiscal year. The maintenance agreement will be \$60 a month for up to 4000 copies and includes any toner we need. The cost of the machine for the next budget will also include a discount making the total cost of the machine \$2,500.

**Motion by Dewey, seconded by McPherson, to approve the purchase of a new copy machine to be paid for in the next fiscal year. Motion carried by unanimous voice vote.**

- g. Resolution #14 of 2013, DDA:** This resolution if approved will set the date for the public hearing for the proposed DDA and will set the boundaries of the district. The public hearing is scheduled for December 4, 2013 at 5:30 pm. The Council reviewed a map of the district boundaries. It consists basically of the central business district and will include Mrs. B's Mercantile. The first of two public hearing notices will appear in tomorrow's paper and the notices to property owners will be sent out next week along with the notices to taxing entities.

**Motion by McPherson, seconded by Drollinger, to approve Resolution #14 of 2013, for the intent of holding a public hearing for a proposed ordinance to create a Downtown Development Authority and to designate the boundaries of the Downtown District. Motion carried by unanimous roll call vote. Ayes: McPherson, Drollinger, Bennett, Dewey, Schuckel, Sexton & Schulz.**

- h. Resolution #15 of 2013, Shorts MEDC Grant:** Jan Kellogg from the NLEA is helping Shorts obtain an MEDC grant for improvements. This resolution will name President Schulz as the Environmental Review Certifying Officer and Treasurer Odom as the Environmental Review Officer, which is a stipulation of the grant. The grant they would like to pursue is a grant that is available to municipalities, not private business, so the Village would have to apply for the grant. President Schulz stated concern if Shorts was awarded the grant and decided not to go through with the project. He then stated that Shorts would be required to pay back anything that was received if they do not follow through with the activity that was identified in the grant. Jan Kellogg elaborated on the grant. The MEDC receives funding through the federal government used to encourage the expansion of business and Shorts wants to make some improvements, which will be revealed at the public hearing. These proposed improvements will create new jobs in the area, which is considered a public benefit which justifies why these funds are available to private businesses. It is a lengthy process to apply for the grant. Part one and two of the application and an environmental review has to be completed, which is why this resolution is required. This review will be looking at the impact these improvements will have on the environment. The public hearing is tentatively scheduled for November 20, 2013 but may have to be pushed back. She is waiting for a number from the State as to how much they are willing to put into the project and that number has to be known before the public hearing can be held. Treasurer Odom asked about recouping costs for the public hearings, single audits if required, and administrative costs since this is a grant for a private business. Jan Kellogg said that administrative costs can be taken out of the grant and built into the grants budget or Shorts can agree to reimburse for any of these costs. Clerk Koch asked who would administer the grant and Jan Kellogg said that the Village could or they can hire someone to do it for them and it can be paid for under the grant. Trustee Dewey hopes not to delay the project. Trustee Bennett stated concerns about not knowing what the project is and Trustee Drollinger agrees. Jan Kellogg noted that this resolution will just start the environmental process, which is separate from the grant. President Schulz stated we have the ability, this is just part of the application process, but there is still an 8 point layer in that something needs to come before the Village Council for us to say we agree, we approve to proceed. This part is just information gathering in order to get the information, for the grant to proceed. We still have the ability to say full stop, we don't approve. Jan Kellogg also noted that even when the public hearing is held, it will come back to the Village Council for approval to actually apply for the grant. Trustee Drollinger asked for verification that we will know what the scope of the project is at the public hearing and it was noted that we would. The public hearing date was discussed. President Schulz said, budget wise we budgeted for three special meetings so this public hearing will not be in addition to what we have budgeted. Clerk Koch noted that if Shorts agrees to pay for these extra costs this could be part of the decision. The details of the grant are still being worked on and involves other parties. To give the them the ability for their negotiations they have asked

that it be kept general so their negotiations are not negatively impacted. They will have their presentation at the public hearing. Trustee Dewey also noted that the Planning Commission has some questions as to what the project is and if they increase their production facilities, it then becomes a zoning issue. Jan Kellogg noted that this would also be part of the process but did not think they were expanding brewing capacity. Clerk Koch suggested finding out about the increased production as soon as possible because it is currently against zoning and they would have to pursue amending the zoning ordinance. The public hearing was again discussed and tentatively scheduled for December 2, 2013 at 6:00 pm.

**Motion by Dewey, seconded by McPherson, to approve Resolution #15 of 2013, appointing an environmental review certifying officer and an environmental review officer. Motion carried by unanimous roll call vote. Ayes: Dewey, McPherson, Bennett, Drollinger, Sexton, Schuckel and Schulz.**

- i. **Resolution #16 of 2013, SAW Grant:** Fleis & Vandenbrink approached the Village about applying for a SAW (Storm Water Asset Management & Waste Water) grant. The State is going to be requiring municipalities to review their water & sewer systems for maintenance and operational purposes. This will allow us to know where we are in terms of maintenance, determine what are needs may be and help us to keep up with repairs. We are identified as a disadvantage community based on our debt service, our operational expenses and the amount of residential users. This means that the majority of the grant would be covered 100%. The grant will provide us with GIS software & training, a wastewater asset management plan and a storm water plan . The first two things are covered 100% by the grant and the storm water phase is paid at 90%. The cost of the grant is approximately \$404,000 with the cost to the village being approximately \$12,360 and this can be a match or in kind. We are also allowed to spread the payments out over a three year period. Koch stated that once the area of improvements are identified, we have to show that we are savings towards them. We have already started doing this with the rate study and rate changes. The work from the grant will also supply us with ortho photos and elevations for the entire system which will be a great planning tool for the Village.

**Motion by Sexton, seconded by Bennett, to approve Resolution #16 of 2013, approving the application of the SAW grant. Motion carried by unanimous roll call vote. Ayes: Sexton, Bennett, Dewey, Drollinger, McPherson, Schuckel & Schulz.**

**j. Public Works Committee Recommendations:**

1. **Ordinance #02 of 2013, Water Amendment:** Public Works met to discuss an issue with a water hookup where we cannot provide adequate pressure. Our ordinance states that they must hookup to the Village water. Public Works is recommending that we amend the ordinance to allow them, and others, when this happens, to construct a well on their property when adequate water pressure is not present.

**Motion by Schulz, seconded by Dewey, to approve Ordinance #02 of 2013, amending the Village water ordinance. Motion carried by unanimous roll call vote. Ayes: Dewey, Bennett, Drollinger, McPherson, Schuckel, Sexton & Schulz.**

2. **Fire Suppression Tap In:** We received a request to hook up a 2' fire suppression line, but because they are out of the village limits, permission must be granted for them to hookup. President Schulz stated a concern about the possibility of the line being used for other domestic use. Ken Stead stated that they will be notified that this line can be used for fire suppression only with no other alterations to the service. Discussion of who will pay for the connection was discussed. Ken Stead stated that we usually cover the expense to connect a ¾" line, however, this will be a 2' line. Since this service is usually provided by the village as part of the tap in fees, the cost to provide the ¾' line for this service will be deducted from the tap in fee.

**Motion by McPherson, seconded by Drollinger, to approve the connection of a 2' fire suppression line at 3820 South M-88 Hwy to be used for fire suppression only. Motion carried by unanimous voice vote.**

- k. Waiving Camp Fees-Antrim County:** Peter Garwood has sent a letter requesting a waiver of camping fees for a group of people who camped at Craven Park while they worked on the trails at Glacial Hills. Forest Home Township coordinated the effort and also worked with Antrim County to help cover costs. The County is now asking us to help. Camping fees for the three sites total \$840. President Schulz informed the Council that the village gained a considerable amount of revenue based on what was budgeted at the campground this year and presented the amounts. He said he would consider splitting the cost of the camping fees. Trustee Drollinger reminded Council that we have been asked previously to waive fees and have said no. President Schulz said that this case would be a little different because we will benefit from the trail system in that there will be more people downtown and possibly camping while visiting the area. Trustee Sexton said she would like to waive the entire fee.

**Motion by Sexton, seconded by Bennett, to waive the entire camping fee for the group that stayed at the campground while they worked on Glacial Hill Trails.**

**Ayes: Sexton, Bennett & Schulz. Nays: Dewey, Drollinger, McPherson & Schuckel. Motion failed.**

**Motion by Dewey, seconded by Sexton, to refund the camping fee of 50% to Forest Home Township for the sites and if the AmeriCorps group assists again next year we only charge them for ½ of the cost of the sites. Motion carried by unanimous voice vote.**

- l. Resolution #17 of 2013, Asian Carp:** We received a letter from Freshwater Future expressing concern about keeping Asian Carp out of the Great Lakes. They would like the Council to support this issue by approving a resolution.

**Motion by Dewey, seconded by McPherson, to approve Resolution #17 of 2013, showing support to keep Asian Carp out of the Great Lakes. Motion carried by unanimous roll call vote. Ayes: Dewey, McPherson, Bennett, Drollinger, Schuckel, Sexton & Schulz.**

- m. Letter of Support-Antrim Fair Board:** The Antrim County Fair is applying for a grant to renovate and upgrade their kitchen and would like a letter of support from the village.

**Motion by McPherson, seconded by Schulz, to authorizing the Village President to sign a letter of support for the Antrim County Fair Board. Motion carried by unanimous voice vote.**

- n. Zoning Training:** This is a training session for zoning and planning in Petoskey on December 3 from 6-9 pm for a cost of \$55. President Schulz said Cathy Odom could attend to get a basic understanding of zoning to equip her to field questions & provide a level of customer service to those who may come in with zoning questions.

**Motion by Bennett, seconded by Schulz, to allow Cathy Odom to attend the Planning & Zoning training in Petoskey on December 3, 2013 at a cost of \$55. Motion carried by unanimous voice vote.**

## **9. Discussion Items:**

- a. Bellaire Dam-Hydro Conversion Update:** Janet Koch updated Council on the Hydro Dam Conversion project. She received an email from Mark Stone stating that he has met with all the entities with positive results, but the environment agencies have not responded one way or the other. She said he is waiting to hear from DNR Fisheries to find out whether they would support the licensing process going forward. It's been about three weeks since he spoke with them and will let us know when he hears from them.

- b. **MDOT, Annual Certification:** In the last couple years as part of the EVIP, the third phase dealt with whether the Village would enter into the 80/20 rule; hard cap rule or opt out completely pertaining to health insurance. We have opted out the last two years. This year it is not part of the program, however, MDOT, as part of our Act 51 funding, is instituting this and there is currently no opt out option. It is supposed to take effect in September 2014. It is strictly for new employees in the Department of Public Works. We do not have to do anything now, and hopefully by the time it's implemented there will be some options.
- c. **Generators:** The DEQ is currently working with us on our wells and one thing that will be required of us in the future is to make sure we have onsite generator capability. We also have issues in terms of needing to respond within minutes for two pump stations with wastewater treatment. Ken has been in contact with Arndt Electric discussing the cost of generators that will automatically kick on when power goes out. If we don't replace the employee who is retiring we could look at using those funds for the purchase of these generators. This can be looked at during our budget process.
- d. **Christmas Party:** We had our Christmas celebration at Shorts previously and everyone seemed to enjoy it. We are looking at having it there again. After discussing dates, December 9, 2013 at 6:00 pm. was chosen.

**10. Department/Committee Reports**

- a) **Committee Reports:** None presented.
- b) **Clerk/Planner:** None presented.
- c) **Deputy Clerk/Treasurer:** None presented.
- d) **Department of Public Works:** None presented.
- e) **Police Department:** None presented.
- f) **Planning Commission:** None presented.

**11. Closing Member/Public Comment:**

- a. *Dan Bennett:* thanked Janet Koch for her service to the Village of Bellaire.
- b. *Janet Koch:* thanked the Council for the opportunity to work at the Village.
- c. *Linda Gallagher:* also thanked Janet and said it was nice to work with her and hopes to work with her at the County level.

**12. Adjourn:** Meeting adjourned at 8:30 P.M.

Compiled by Cathy Odom  
Minutes are subject to approval.

Approved: \_\_\_\_\_

Date: \_\_\_\_\_