

**Bellaire Village Council
Meeting Minutes
September 3, 2014**

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

2. **Roll Call Attendance:**

Present: President David Schulz, Council Trustees Butch Dewey, Helen Schuckel & Eldon McPherson.

Absent: Laurie Sexton, Trish Drollinger & Dan Bennett.

Staff Present: Lori Lockett, Clerk, Cathy Odom, Treasurer, Brad Rowe, Chief of Police & Ken Stead, DPW Supervisor.

Also Present: Colette Stanish & Linda Gallagher.

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

Motion by Schuckel, seconded by McPherson, to approve the agenda with the additions of new business item g, Sidewalk Work Group and old business item e, Police Officer Position. Motion carried by voice vote.

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

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

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

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

7. **Old Business:**

a) **Resolution #15 of 2014, Act 99 Loan, Loader:** The attorney has drawn up the paperwork for the purchase of the loader. This will have to be approved by resolution. President Schulz explained the reason for the purchase, which is due to the age and needed repairs on our current loader.

Motion by McPherson, seconded by Dewey, to approve Resolution #15 of 2014, to purchase a loader from AIS Construction. Motion carried by roll call vote. Ayes: McPherson, Dewey, Schuckel & Schulz Nays: None

b) **Parks Committee Recommendations:**

- **Ordinance #04 of 2014, Amended:** This ordinance will amend Chapter 75 of the Bellaire Village Code. The Parks Committee met and reviewed the changes, which addresses alcohol in the park area. There were some changes to the languages already in the ordinance and the parks Committee is recommending its approval.

Motion by Schulz, seconded by Schuckel, to approve Ordinance #04 of 2014, which amends Section 75-1 and 75-2 of the Bellaire Village Code. Motion carried by roll call vote. Ayes: Schuckel, Dewey, McPherson & Schulz Nays: None

- **Richardi Park Reservation Form:** Due to the amendments to the ordinance, the reservations form needs to be reviewed to reflect the changes made in the ordinance. These changes include, but are not limited to, alcohol and required liability.

Motion by Schuckel, seconded by McPherson, to approve the amendment to the Richardi Park reservation form. Motion carried by voice vote.

- **Campground Reservations & Rates:** The committee discussed the rates for camping noting that they have not been reviewed in a few years. The committee would like to see the rates increase \$5.00 for each campsite. Primitive sites will be \$15.00, water-electric sites will be \$20.00 and full hookup sites will be \$25.00. Paying in advance for length of stay was also reviewed. The committee also reviewed issues with taking reservations and the committee is recommending that we change to a first come first serve basis beginning with the 2015 summer season. It was noted that Barnes Park is one campground that doesn't take reservations. Treasurer Odom informed the Council that although we get busy, we are rarely completely full. She stated that some of the problems with the reservation system is when someone wants to stay a couple extra days and don't because their site is reserved for when they are scheduled to leave. Another issue is we had a couple campers move into a reserved spot and couldn't move their trailer off the site because their spouse took their vehicle to go back to work during the week. This made the person with the reservation have to pick a different site. She also said that we did not take reservations previously, only for the past 4 or 5 years. Some of the rules that would be affected by these changes were discussed. This discussion included paying in advance for entire length of stay and campsites that are used for storage. Mr. Schulz said that the Michigan Campground Act 162 of 1990 is a resource that allows us to maintain and control some of these problem areas. Amount of people and tents allowed on a site was also reviewed. The current rule states two adults and two children, but some families have more than 2 children. The rule was amended to say one family per campsite and \$3.00 per additional adult.

Motion by Dewey, seconded by McPherson, to approve the Craven Park Campground Rules & Rates with noted change to #5. Motion carried by voice vote.

Motion by Schulz, seconded by Dewey, to repeal Policy #006, Craven Park Reservation and Payment Policy that was originally adopted on April 20, 2005. Motion carried by voice vote.

- c) **Tree Testing:** Mr. Stead said he spoke with Mike Meriwether and was told that there could be several chemicals that are causing the downtown trees to die. If we test the trees for the cause we would have to specifically test for each contaminate at a cost of several hundred dollars for each test. He told Mr. Stead that it could be something as simple as bleach and if we test now, the contaminate may not show up. President Schulz is recommending that we speak with the business owner due to his request of having no tree in that location.
- d) **Credit card Processing Company:** At the last meeting Council had asked staff to contact other financial institutions to compare rates. Due to our low volume of sales, one bank didn't want to provide a quote and the other had rates higher than Premier, which quoted 2.5%. The cost for the annual compliance documents will be \$79 instead of the \$90 charged by NPC. The convenience fee we currently charge will remain unchanged.

Motion by Schuckel, seconded by McPherson, to transition our credit card processing from NPC to Premier Payment Solutions. Motion carried by voice vote.

- e) **Police Officer Position:** Chief Rowe explained that Mr. Ramsey has decided that he cannot fulfill the police officer position and has bowed out of the academy. Chief Rowe informed the Administration Committee and recommended that we not hire another officer at this time. We have made it through the summer. President Schulz would like this as a discussion item on the next agenda to obtain direction for budgeting purposes from the full council. Officer Light was originally supposed to leave employment, but can now continue working for the Village if we need him. Chief Rowe would like Council permission to continue to employ him and have him work 5 to 6 shifts a month, on a Friday and Saturday night that may not be covered. President Schulz asked about the public safety budget and if the funds were available to

continue Officer Light's employment. The public safety budget was then discussed and it was noted that as long as funds are available, Officer Light can stay employed. Chief Rowe informed Council that Light is reconsidering moving to Florida and we may also be able to have him for next year.

Motion by Dewey, seconded by Schulz, to authorize Chief Rowe to utilize Officer Light at his discretion. Motion carried by voice vote.

8. New Business:

- a. **Freshwater Future-Tanya Cabala:** Tanya Cabala works as a consultant for Freshwater Future and they are reaching out to communities to gain support in their efforts to discontinue the use of coal tar sealants due to recently found risks associated with its use. The risks to water quality and public health are significant according to studies by the U.S. Geological Survey. They have studied the sediment in lakes to look at the trends of PAH levels and traced the problem to the use of coal tar sealants which are used on driveways and parking lots. The sealant will run off driveways for about eight months, but continues to run off in particles. It runs off into rivers, lakes and storm basins. PAH chemicals are toxic to aquatic life and clean up is expensive. There is also a public health risk because the material crumbles from routine wear and tear and can be carried around on clothing. It risk of cancer is higher due to this. Some states have already banned coal tar sealant use. They are requesting that we adopt a resolution saying that we, as a municipality, will not use coal tar sealants for our projects. Other communities are also going a step further and helping Freshwater Future educate their community in newsletters. Some have also banned private use due to possible clean up costs if it pollutes our area waterways and due to public health. Many companies have already discontinued use due to breathing in the chemicals during installation. Ms. Cabala stated that there are alternatives available that can be used, which are similar in cost. Mr. Stead stated that we already do not use coal tar sealants. President Schulz stated we could show commitment and partnership maybe in the form of a resolution. The resolution could be for educating the community and maybe getting a list of vendors that use asphalt based sealants to help get the word out. Trustee Dewey suggested tabling this until the next meeting for further research and to see if we can get anyone else on board. President Schulz asked Ms. Cabala to provide samples of newsletters that would help Council put together some ideas to educate the public. This was tabled until the next meeting and no further action was taken.
- b. **Portaging Station Grant:** We received a \$2,500 grant from the Northwest MI Council of Governments for the installation of a portaging station at Richardi Park. However, in preparing for the project Clerk Luckett found that we would have to be ADA compliant and the station would have to be engineered. Due to this the cost of the project had risen to approximately \$40,000. We cannot complete this project because of the increased cost and Council decided to return the \$2,500.

Motion by Dewey, seconded by McPherson, authorizing Lori Luckett, on behalf of the Village of Bellaire, to send a letter and return the grant award to the Northwest MI Council of Government. Motion carried by voice vote.

- c. **DPW Employee:** We had decided to postpone hiring a new DPW employee until the fall. Our part time employee will be leaving on September 30, 2014 and will not be returning. The Administration Committee recommends we begin the process of hiring for the open DPW position. President Schulz would like to have the part time employee state in writing that he is leaving. Posting an ad in the paper for the position was discussed.

Motion by Dewey, seconded by Schulz, to give the Administration Committee the authority to determine wages and benefit packages within the budgeted constraints and to interview possible applicants. Motion carried by voice vote.

- d. **Soccer Park-Aeration:** TruGreen sent an email regarding the aeration of the soccer fields. The cost will be \$1,100 and is not included in our contract for services with them. The need for the aeration was discussed and Council took no action determining that we do not need this done.
- e. **Budget Amendments:** Some budget amendments that need to be done were presented. They reflect costs for bridge inspections, the new loader and the increased cost of winter salt.

Motion by Schulz, seconded by McPherson, to approve the journal entry changes for the 2014-15 budget. Motion carried by voice vote.

- f. **Pickle Ball Court:** There is a group of people from Bellaire that play pickle ball in Kalkaska. They would like to play in Bellaire and are requesting that we supply the material for them to tape off pickle ball courts on the current tennis courts. They are waiting for the Area Seniors courts to be completed, but the process has been slow. The tennis courts are used daily by people so they could not leave the pickle ball nets up. Playing in the old tennis court area was discussed.

Motion by Schulz, seconded by McPherson, to communicate that they are free to use the old tennis court but they would have to purchase the materials. Motion carried by voice vote.

- g. **Sidewalk Work Group:** There is currently not a lot of information in our ordinance, zoning or otherwise, that addresses sidewalks. Businesses in the Central Business District are permitted to have no more than three feet extending from the front of their building in order to display merchandise that is consistent with their main business practice. MDOT has a right of way on both sides of the street that extends to the front of many of the commercial buildings. They have had discussion with the Clerk about the use of their right of way. This summer we have seen examples of sidewalk displays that prohibit smooth passage by pedestrians. President Schulz would like to propose the development of a sidewalk work group that is comprised of the Planning Commission and Village merchants to begin discussing what we as a Village want to see in a sidewalk ordinance. This could also help to solve inconsistencies in the ordinance. Trustee Dewey said they have been watching ongoing discussions from other communities that are dealing with the same issue.

Motion by Schulz, seconded by Dewey, to develop a sidewalk workgroup between the Village Planning Commission and Village merchants to begin discussions about what we would like to see in a sidewalk ordinance. Motion carried by voice vote.

9. Discussion Items:

- a) **Attorney Memo:** We received a memo from the attorney concerning some upcoming legislation in Lansing about marijuana provisioning centers and safety compliance facilities. Based on what the attorney presented he would like to see this on the next agenda.

10. Department/Committee Reports

- a) **Committee Reports:** None presented.
- b) **Clerk/Planner:** Clerk Luckett, pending the sidewalk work group, would like some direction on enforcing the existing ordinance pertaining to the three feet for outside displays and for the temporary sandwich signs. Shall we continue or hold off. President Schulz said he heard that sales were down this year and with the fall color tours, the businesses will probably want to keep their outside displays to overcome some of the shortfall. However, he said, if they are going to have outside displays, keep it to three feet from the wall of the building. Soliciting people for the work group was discussed with letters to be sent out.

- c) *Deputy Clerk/Treasurer:* None presented.
- d) *Department of Public Works:* A written report was presented.
- e) *Police Department:* Chief Rowe informed Council that we have started to receive some fireworks complaints. We have not received many, but enough that we may want to consider an ordinance. Complaints for August was down from July. He also said that the cones he put out on Memorial Day at the crosswalk seemed to help.
- f) *Planning Commission:* None presented.

11. Closing Member/Public Comment: None presented.

12. Adjourn: Meeting adjourned at 8:23 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____