

**Bellaire Village Council
Meeting Minutes
November 5, 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, Dan Bennett, Trish Drollinger, Helen Schuckel & Eldon McPherson.

Absent: Laurie Sexton.

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

Also Present: Colette Stanish, Patti Savant, Lori Silk, Linda Gallagher & Julie Budas.

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, Flower Barrels and discussion item c, Third Officer. Motion carried by voice vote.

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

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

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

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

7. **Old Business:**

a) **DPW Employee:** The Administration Committee met and reviewed the applications. They chose five candidates and forwarded them to Ken Stead. Mr. Stead chose to meet with three of them and recommended hiring Brad Keiser to the committee. He has a CDL and other qualifications needed for the position including some mechanical and building experience. The Administration Committee agreed and is recommending Brad Keiser for the vacant DPW position. The Administration Committee is also recommending that his starting wage be \$12.50 per hour.

Motion by Dewey, seconded by Bennett, to extend an offer of employment to Brad Keiser to fill the vacant DPW position. Motion carried by voice vote.

b) **EVIP:** The EVIP form is complete and ready for submission.

Motion by Dewey, seconded by Bennett, to authorize the Village President to sign the document titled City, Village and Township Sharing/County Incentive Program Certification of Accountability and Transparency. Motion carried by voice vote.

c) **Glacial Hills Update:** President Schulz updated the Council with some background information pertaining to Glacial Hills. He explained that the trail system was on property owned by three different units of government. Forest Home Township (FHT) owns approximately 175 acres, the Village of Bellaire owns about 32 acres and Antrim County owns about 586 acres of the trail system. The system was created by FHT with a DNR Trust Fund grant that was facilitated by the Grand Traverse Regional Land Conservancy (GTRLC). Although our section of land doesn't make up very much of the trail, it was a necessary part in accessing the eastern portion of the trail system. A work group consisting of members from all three property owners, and others, have held a number of meetings about the development of a management agreement for the purpose of maintaining the trail system. The GTRLC would like to maintain the trails for us and all three units of government would like to

contribute as little as possible to its maintenance. The GTRLC would like all three entities to develop a maintenance agreement so as not to put any undue financial burden on them, and felt the best way to do this was to approve a concept of a 501(c)3 that will manage the trail system with documentation detailing the members of the 501 (c)3 and its operations to be brought before the December 3, 2014 meeting. The agreement, between the 501(c)3 and the three units of government will outline the members of the 501(c)3 via appointments by the entities, forestry activities in the County owned Kirkpatrick Forest, trail maintenance, monetary responsibilities, budget, maps & signage, trail event approval, website development and maintenance, the Friends of the Glacial Hills Group and the management of donations and other revenue sources. Trustee Dewey noted concerns about more expense to the parks budget and President Schulz stated that it is the 501(c)3 hope that they will be able to raise the funds for the trail maintenance. He also stated that the agreement will allow entities the ability to withdraw if need be.

Motion by Schulz, seconded by Drollinger, to approve the concept of a 501(c)3 to manage the Glacial Hills Trail System with documentation detailing the members of the 501(c)3 and its operations to be brought before the December 3, 2014 meeting. Motion carried by voice vote.

We also received a resolution from the County prosecutor's office that must be passed by all entities as written. The County prosecutor has been involved in the groups meetings and has been providing legal support. The resolution states that the Village shall enter into a contract with FHT & Antrim County in order to manage the trail system as it presently exists, that it is owned by these three local governments and it further resolves the appointment of a Village representative to the initial governing body that will be established to manage the trail system. Trustee Dewey suggested a Parks Committee member be named. It was noted that Clerk Luckett could be named, however, Trustee Drollinger would like to see a council member as the representative. She said she would like to see Eldon McPherson on the board. President Schulz informed the Council of some of the duties that will be performed by the 501(c)3. Trustee McPherson said he would accept the appointment.

Motion by Drollinger, seconded by Bennett, to approve the resolution and appoint Eldon McPherson to sit on the initial governing body that will be established to manage the trail system. Motion withdrawn.

Treasurer Odom asked if this had to be done today. She noted that the resolution states we shall enter into a contract, but we have yet to see the contract. Motion was withdrawn by Drollinger & Bennett and this was tabled until the next meeting.

- d) **Zoning Ordinance Review Update:** Trustee Dewey reminded Council that the attorney suggested hiring a planner to review the zoning ordinance. Clerk Luckett contacted M.C. Planning & Design and the quote to review the ordinance was for \$650. This review will include an audit of the ordinance and a summary report of her findings. President Schulz stated that according to her proposal they will identify gaps, inconsistencies and things that may have been omitted but doesn't include suggestions about where or how to make the changes once they are identified. She could provide this service, but it would be under a separate agreement.

Motion by Dewey, seconded by Bennett, to spend \$650 for M.C. Planning & Design to conduct an audit of our zoning ordinance. Motion carried by voice vote.

- e) **Fleis & Vandenbrink-Well Quote:** A quote for a new well was presented at the last meeting and discussion occurred about ways to lower the cost. Mr. Stead contacted Fleis & Vandenbrink about reviewing preliminary data that was previously conducted to determine our status and to see if their fees could be lowered due to work already completed. F & V reviewed the data and determined that they could accept the study and developed a new quote lowering their cost from \$21,700 to \$19,500. Mr. Stead stated that this cost covers the entire

project, from start to finish. He also informed the Council that the DEQ will accept a previously completed hydraulic study so that will not have to be done again, which will also lower the cost of the engineering fees. It was noted that some of the funds for the engineering are in this year's budget.

Motion by McPherson, seconded by Drollinger, authorizing Mr. Stead to sign the work authorization from Fleis & Vandenbrink. Motion carried by voice vote.

8. New Business:

- a. **Council Resignation:** President Schulz informed the Council that Trustee Sexton has turned in her letter of resignation. A notification of the vacancy will be posted in the Antrim Review to see if anyone is interested in serving.

Motion by Schulz, seconded by Schuckel, to reluctantly and regrettably accept Trustee Sexton's resignation. Motion carried by voice vote.

- b. **Zoning Ordinance Amendment-Accessory Buildings:** Trustee Dewey explained that the Planning Commission has been reviewing the accessory building section for waterfront properties and would like to propose an amendment. He stated we currently do not allow accessory buildings in the front yard. He said their discussion lead to which side of the home was the front yard and which side is the back yard and is this something we should regulate. In reviewing ordinances from other communities, it was found that they do not have any regulations pertaining to this, they only have set backs that have to be followed. The proposed ordinance would require an accessory building to be at least 10' from the principle structure, mainly in case of fire. A public hearing has been held and the Planning Commission is recommending the approval of this amendment.

Motion by Dewey, seconded by Drollinger, to authorize the Village President to sign the accessory building zoning amendment. Motion carried by roll call vote. Ayes: Dewey, Drollinger, Bennett, McPherson, Schuckel & Schulz. Nays: None

- c. **215 Maple St. Listing:** The listing for 215 Maple St. has expired and Mr. Ciganick, our realtor, would like to know if we want to relist it. It has previously been listed for \$10,000 and has been for sale for several years. President Schulz said the selling price would cover the cost of the purchase and expenses that we accrued tearing the house down. Trustee Drollinger noted that selling it would put it back on the tax roll and trustee McPherson suggested lowering the selling price to \$5,000 because it has been for sale for so long.

Motion by Dewey to relist the property for \$8,000. Motion rescinded.

Motion by McPherson, seconded by Schulz, to relist the property for \$5,000. Motion carried by voice vote.

- d. **PC Appointments:** Mr. Harris' term on the Planning Commission expires November 30, 2014 and he would like to be reappointed. President Schulz would like to appoint Mr. Harris to another term.

Motion by Bennett, seconded by Dewey, to approve the reappointment of Mr. Harris to the Planning Commission with his term expiring November 30, 2017. Motion carried by voice vote.

The Council representative position on the Planning Commission expires on November 20, 2014 and President Schulz would like to appoint Trustee Bennett to fill the term.

Motion by Dewey, seconded by Drollinger, to approve the appointment of Dan Bennett as the Council Representative on the Planning Commission with a term expiration of November 20, 2016. Motion carried by voice vote with Trustee Dan Bennett abstaining.

- e. **ZBA Appointments:** Mrs. Smalley's term on the Zoning Board of Appeals (ZBA) is expiring on November 15, 2014 and she would like to be reappointed. President Schulz would like to appoint Mrs. Smalley to another term.

Motion by Bennett, seconded by McPherson, to approve the reappointment of Mrs. Smalley to the ZBA with her term expiring November 15, 2017. Motion carried by voice vote.

The Council representative position on the ZBA expires on November 15, 2014 and President Schulz would like to appoint Trustee Dan Bennett to fill the term.

Motion by Schuckel, seconded by McPherson, to approve the appointment of Trustee Dan Bennett as the Council Representative on the ZBA with a term expiration of November 15, 2016. Motion carried by voice vote with Trustee Dan Bennett abstaining.

- f. **Bellaire Public School Contract:** President Schulz noted that the only changes to the contract were the dates.

Motion by McPherson, seconded by Drollinger, to authorize the Village President to sign the agreement between the Village of Bellaire and Bellaire Public School for use of the parks in the 2014-15 school year. Motion carried by voice vote.

- g. **Flower Barrels:** We had the DPW place the Chamber flower barrels this past spring and they are requesting that that the DPW also remove them.

Motion by Schulz, seconded by Drollinger, to have the DPW remove the flower barrels and store them at the DPW. Motion carried by voice vote.

President Schulz stated that going forward, he would like to ask the Chamber to review their calendar and identify the dates they would like specific things out so that this could be coordinated with the DPW schedule. Patti Savant from the Chamber noted that it was never the intention of the Chamber to become in charge of the flower barrels. She stated that the Chamber Board will discuss if they want to continue providing and working with the flower barrels. If they choose not to, she will let us know so we can determine what to do with the barrels. She noted that at one point, discussion occurred of the DDA taking this over.

10. Discussion Items

- a) **ISO Rating:** President Schulz explained that rates for homeowners insurance is based, in part, on a fire ISO rating given to the local fire department. The annual report for our local department was presented. He explained that training, water supply, equipment and everything that goes into successful fire suppression is reviewed to determine what our rating should be. In our area, our rating will be going from a 5 to a 6 which in this case, the lower the number the better. President Schulz stated that support for our fire department is important for everyone. A copy of the rating will be in the office if anyone would like to review it.
- b) **Attorney Correspondence-FOIA:** We received correspondence from our legal counsel concerning Michigan Department of Treasury audits and a freedom of information after hours inspection policy. Audits are being completed around the state and one thing they are finding is that many communities do not have a policy in place that affords the ability for individuals after hours to come in and inspect or copy public records that are available pursuant to the Freedom of Information Act. Legal counsel can address if we choose to develop a policy. Council agreed to have Clerk Luckett check into the cost of developing a policy and bring the information back to Council.
- c) **Third Officer:** This was tabled at the last meeting due to the Chief's absence at the meeting. The Chief's report explains that in place of hiring a third officer, Zack Light has agreed to work on a part time basis three days a week. Chief Rowe feels this will be sufficient to save on the Village budget.

10. Department/Committee Reports

- a) **Committee Reports:** The Parks Committee met and discussed possible upgrades to the transportation station and will research options.
- 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:** Trustee Dewey informed the Council that they have received several names for the sidewalk work group.

11. Closing Member/Public Comment:

- **David Schulz:** President Schulz updated the Council on the status of the water issue at Meadowbrook. They feel they have found the problem and within a couple weeks hope to be free of infiltrate. Mr. Stead stated that John from Meadowbrook maintenance has done a good job of keeping him informed. President Schulz thanked those who have decided to help on the sidewalk work group. He also said that we currently do not have the required number of members to serve on the DDA, but we will schedule a work session to determine how to proceed.
- **Butch Dewey:** Trustee Dewey said this was his last meeting and thanked everyone for their support while he served on the Council. He stated that he wished the snow mobile trail project and the breezeway project with Ellsworth and Banks Township would have been more successful and he is very concerned about the budget for motor pool equipment. Our equipment is extremely old and getting older and he is concerned about available funds to replace this equipment. Linda Gallagher said that some communities have received rural development grants for equipment and we could look into it.
- **Lori Silk:** Lori said she enjoyed attending the meeting. She also discussed the Council's decision to not snow plow in front of her building and asked about the status of that. Trustee Dewey explained that the holder cannot plow that section of sidewalk because we do not have the clearance to go down that sidewalk anymore. The holder articulates in the center and it is not designed to back up. Mrs. Silk said they are going to remove the awning on the front of the Lunch Box because they will be doing renovations to the facade on the entire building, which will fix the problem for the future. President Schulz explained that if the awning comes down before the first snowfall, DPW will be able to plow that section of sidewalk.

12. Adjourn: Meeting adjourned at 8:07 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____