

**Bellaire Village Council
Meeting Minutes
April 1, 2015**

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 Bryan Hardy, Dan Bennett, Trish Drollinger, Helen Schuckel & Eldon McPherson.
 - Absent:** David Ciganick
 - Staff Present:** Lori Lockett, Clerk, Cathy Odom, Treasurer, Bill Drollinger, Officer & Ken Stead, DPW Supervisor.
 - Also Present:** Colette Stanish, Betty Hoover, Patti Savant & MDOT representatives, Garratt Dane, Mary Lajko & Jeremy Wiest.
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 j, Consumers Energy Contract and k, Village Webcam. Motion carried by voice vote.
4. **Conflict of Interest:** President Schulz stated his conflict with item e, Meadowbrook Grinder Pump and will abstain from discussion and vote.
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:** President Schulz turned the meeting over to Trustee Bennett and moved to the podium for a public comment. He read a statement asking for clarification for a comment made in the Public Works Committee meeting minutes pertaining to his conflict of interest with a meter for Meadowbrook Medical Care Facility. Trustee McPherson stated they value his work with both Meadowbrook and the Village of Bellaire and the Committee will provide clarification at their next meeting.
7. **Old Business:**
 - a) **4 Way Stop-MDOT:** Representatives from MDOT presented a working PowerPoint about how the 4 way stop will work. They stated that our current intersection is called a trunk turn. They stated this is being looked at due to a conversation with a person who was concerned about the intersection as it currently sits. Mr. Dane informed Council that once a complaint is filed, they do a preliminary review to see if it is something that deserved their attention. They felt it was warranted and proceeded with possible alternatives. Testing was done through counts, however this test was done in October, which does not represent the period where we would have the most traffic. They did review counts taken previously during August, but would like to test again this year over the July 4th holiday. The presentation showed how the stop will work and felt the tentative suggestion is to change the intersection to a 4 way stop and that it would not present any major problems. Mr. Dane also went through the steps in the process if the change were made. There would be a slight delay of about 10 seconds per vehicle due to all having to stop in all directions. Safety predictions for vehicles and pedestrians, three way stop signs, crosswalks and signage were discussed. Council Trustees asked questions and stated their concerns. After discussion, it was noted that it was obvious that the Village didn't want the 4 way stop to be done, but they will still continue to gather the rest of the data they want to have on hand. Once that data is gathered, this can be addressed in the future if needed.

- b) **Noise Ordinance Opposition Letters-Shorts:** No written or verbal opposition to the noise ordinance for the Shorts anniversary party was presented so the motion made at the last meeting will allow them to proceed with their music until approximately 10:30 pm.
- c) **Banners:** The sample fabric was received and compared to the current banners and there isn't any noticeable fading. Trustee Drollinger stated that it would be great to replace the bottom banners. We could remove the ones currently up, give them to the people that purchased them and start all over again. Putting a limit on how many could be purchased was discussed with allowing only one until all those that would like one are purchased, then allowing for a second one if wanted.

Motion by Drollinger, seconded by Schulz, to replace all of the name banners, give them back to those that purchased them and on a first come first serve basis, new ones can be purchased with a deadline of June 1, 2015. Motion carried by voice vote.

8. New Business:

- a. **Rules of Procedure, Annual Review:** An annual review of the Rules of Procedure is required. Council should review, bring back any requested changes and approve it at the next meeting. President Schulz requested that legal counsel draft the correct language for the section pertaining to conflict of interest and abstentions. Trustee Drollinger questioned if she should be approving the payment of bills and Trustee Bennett questioned how those that abstain from a vote could be guilty of misconduct in office. He stated he doesn't know how that can be enforced and they should have the right to abstain on any issue before the board. No action was taken.

- b. **Tailwinds Race Request:** This is a mountain bike organization that provided a race on Glacial Hills Trail system last year and they would like to do so again. The race will be held on August 21st and 22nd of this year with the race being on the 22nd. They do have to ask the entities involved with the Village being one of them. They have spoken with the Chief of Police to work out details of safety and are looking at 300-400 bikers. It was noted there were no problems with last years race.

Motion by Schulz, seconded by Bennett, to allow Tailwinds request for their race event primarily being held on August 22, 2015 contingent on the Village of Bellaire being added as an additional insured on their liability insurance. Motion carried by voice vote.

- c. **Risk Management Review:** A review was completed from our risk management company that works with our insurance company. They have identified some things that we may want to review.

Motion by Schulz, seconded by Bennett, to send their review to the respective committees for discussion and budget review to see if we are able to incorporate the requested changes this fiscal year. Motion carried by voice vote.

- d. **Craven Park Lights:** We received a quote from Arndt Electric to replace the light bulbs at the ball field at Craven Park. There are currently six bulbs that need replacing. The equipment needed to replace the bulbs is expensive so there is a quote to replace just the six at a cost of \$3853 and one to replace all of the them at a cost of \$5766. This is not a current budgeted item. It was noted that we do have more interest in teams returning to play at the fields

Motion by Drollinger, seconded by Hardy, to approve replacing all 36 bulbs having the funds come from fund balance. Motion carried by voice vote.

- e. **Public Works Recommendations:**

- **Meadowbrook Grinder Pump Letter:** President Schulz handed the meeting over to Trustee Bennett. Trustee McPherson explained that solid materials were causing a malfunction to the meter at Meadowbrook, which is typically caused by a faulty

grinder pump. The committee is recommending that we send a letter to Meadowbrook and have them check the grinder pump for a possible problem. Trustee Drollinger also noted that there is discussion about having them place a permanent meter on site. She explained that Mr. Thompson has to go to the meter site, put fresh batteries into it once a week. If a permanent meter is installed then the Village would just have to read the meter once a month.

Motion by McPherson, seconded by Drollinger, to send a letter to Meadowbrook indicating that there seems to be a deficiency in the grinder pump that needs to be fixed because it is causing problems and adding to the costs of reading the temporary meter. Motion carried by voice vote with one abstention by Schulz.

- **Frozen Pipe Assistance & December Notification:** The committee discussed the frozen pipe issue that has happened to water customers in the Village. Trustee McPherson explained that some of the problem is people plowing over the area of the meter and then driving over it thus causing the frost to sink lower into the ground. They also discussed what the Village could do to help if pipes did freeze.

Motion by McPherson, seconded by Drollinger, that upon notification of frozen pipes, the Village DPW will assist the owner in hooking up their hose, after the owner has purchased the hose or equipment and executes a release of liability advising that the water may not be consumed.

The committee also discussed notification options so owners do not plow over meter pits. It was recommended that a letter be sent in December advising people not to plow over meter pits and that if they are not aware of the meter pit location to call the Village offices and ask for assistance. Mr. Stead informed Council that not all places have a meter pit.

Motion by McPherson, seconded by Drollinger, that in addition to the notice sent in October, a second notice be sent in December advising the owner not to remove snow from the meter pit and if an owner is not aware of the location of the meter pit, to contact the Village offices and the DPW staff will locate it. Motion carried by voice vote.

f. Parks Committee Recommendations:

- **Per Player Fee & Notification:** The school approached Parks asking why they are the only ones paying to use the parks. Parks met with local athletic groups to discuss the feasibility of charging them for the use of the parks. What was discussed was a \$5.00 per player fee up to a maximum of \$50 per team. This was not met with any opposition by any of the groups. This will help the Village with maintenance.

Motion by Drollinger, seconded by Hardy, to begin this year charging the Little League, the Coed softball league and the soccer league \$5.00 per person up to a maximum of \$50.00 per team for the use of the parks. Motion carried by voice vote.

- **Park Rental Fees:** Trustee Drollinger explained that the rates for renting the park have not been addressed in many years. The committee is recommending to raise the rental fees to \$50 and to keep the key deposit at \$25.

Motion by Drollinger, seconded by Schulz, to raise rental fees for Richardi Park and Craven Park to \$50 and the refundable key deposit to remain at \$25, effective May 1, 2015. Motion carried by voice vote.

- **Methodist Church Request:** Members of the Methodist Church would like permission to clean up Richardi Park. They offered liability insurance, but would

like to know where to set any trash that they will accrue. Mr. Stead stated that he will work with them on disposing of the trash.

Motion by Drollinger, seconded by Hardy, to thank and grant the Methodist Church request to clean up Richardi Park as long they provide a copy of their liability insurance. Motion carried by voice vote.

- g. Resolution #08 of 2015, Pension Plan Restatement:** Periodically we are required to restate the Village pension plan.

Motion by Bennett, seconded by Hardy, to approve Resolution #8 of 2015, restatement of Village pension plan. Motion carried by roll call vote. Ayes: Bennett, Hardy, Drollinger, McPherson, Schuckel & Schulz. Absent: Ciganick.

- h. Resolution #09 of 2015, Proposal 1 for Safer Roads:** MML is requesting that local units approve a resolution in support of Proposal 1 for safer roads. Trustee Drollinger stated this is something we vote on as individuals and should not as a Council. Trustee Bennett stated that there are many against this proposal. President Schulz agreed.

Motion by Hardy, seconded by McPherson, to approve Resolution #09 of 2015, for support of Proposal 1, Safe Roads. Ayes: Hardy. Nays: McPherson, Bennett, Drollinger, Schuckel & Schulz. Motion failed.

- i. Sidewalk Work Group-Outside Displays:** Clerk Luckett discussed an update included in Council packets about the MDOT right of way in front of the businesses in the central business district (CBD). She also informed the Council that the sidewalk work group met and the business owners would like to continue the use of outside displays and beautification items on the sidewalks or close to the buildings. However, the zoning ordinance only allows for merchandise that relates to the main business on the sidewalks, it can only be displayed within three (3) feet of the front of their building and which, she is trying to enforce. This is done to allow for unobstructed passage for pedestrians and to allow easy access to the businesses. MDOT require clear passage of five (5) feet on a sidewalk. Mrs. Budas would like to place her tables and bike rack out front again. Our attorney said because it is not merchandise sold from the business, the zoning ordinance provision would not apply and therefore it would be prohibited. Clerk Luckett would suggest an amendment to the Village Code allowing for sidewalk obstructions, with a permit, in the CBD and has attached an ordinance that Elk Rapids uses. She is also asking those businesses with sandwich board signs to maintain a clear path on the sidewalks. She would like direction on how Council would like to proceed with the tables and bike rack. Clerk Luckett also informed Council that she has been asked about the allowance of a food truck. The zoning ordinance states that transient food and ice cream vehicles are permitted land uses in residential districts and Village Commons. There are a some parking restrictions in the Village Code but there is nothing that addresses food trucks. The person looking to provide the food truck is looking at putting it in a parking lot, which makes it a zoning issue. The two places they want to place the food truck are areas that don't allow them. Clerk Luckett informed them that they are allowed in certain areas and she provided a map to show them where. This is another issue where you may want to include this in the Village Code. She also informed the Council they have met with the planner and the zoning ordinance rewrite process has begun. President Schulz reviewed the ordinance from Elk Rapids and likes some of what he sees. Clerk Luckett stated that many people wanted her to just look the other way, not to enforce and she doesn't want the perception that she is not doing the job, which is why she explained what can and cannot be done.

Motion by Schulz, seconded by Bennett, to authorize Lori Luckett to use the Village of Elk Rapids' ordinance as a basis and prepare a similar ordinance for the Village of Bellaire for the Central Business District. Motion carried by voice vote.

- j. **Consumers Energy Contract, Antrim Fair Board:** We received a letter from the Antrim County Fair Board about the grant they received to upgrade the electrical service to their buildings at Craven Park. Consumers is requesting an easement for the proposed route for the facilities necessary to provide the service. The attorney reviewed the easement, made some changes, the changes were approved by Consumers and if you agree it is ready for approval.

Motion by Schulz, seconded by Bennett, to authorize the Village President and Deputy Clerk/Treasurer to sign the easement for underground electric lines. Motion carried by voice vote.

- k. **Webcam:** The webcam that has been in use for about seven years is consistently having more and more trouble and staff would like direction about how Council would like to proceed. There are several people that do let staff know when it is down, so it is being used. Upgrading was discussed. Trustee Bennett would like some options presented to them and all agreed. Staff will look into options and bring them back to Council.

10. Discussion Items:

- a) **ISO-Official Public Protection Survey:** The official publication for the survey is complete and if anyone would like to review it, the full report is in the office. President Schulz explained that insurance companies use this information to determine rates.
- b) **Draft Financial Statement:** A draft of the financial statement is ready for review. Please review by April 10th and bring any questions or clarifications to the treasurer.

10. Department/Committee Reports

- a) **Committee Reports-Parks Committee:** A copy of the walking path sign was presented for review. Trustee Drollinger asked that it be reviewed and any suggested changes should be made now. President Schulz asked if we could have a paper map available for people to carry around. Ms. Savant suggested that a map could possibly be placed in their kiosk. Business advertising on the maps was discussed.
- b) **Clerk/Planner:** None presented.
- c) **Deputy Clerk/Treasurer:** Ms. Odom informed Council that Chief Rowe is off for the time being due to neck problems and he will keep us informed as to the status of his condition.
- d) **Department of Public Works:** Mr. Stead informed Council they have started working on the Craven Park bathhouse. Street sweeping has been started. He has also taken the road bids for this year to the Townships to see if they can help with any costs and is waiting to hear from them.
- e) **Police Department:** None presented.
- f) **Planning Commission:** None presented.

11. Closing Member/Public Comment:

- **Patti Savant:** Ms. Savant stated some concern with allowing for food trucks. Her concern is for the businesses who pay taxes and then has some of the business taken away from them. She also commented on the MDOT 66' right of way.
- **Bill Drollinger:** Mr. Drollinger cautioned the Village about getting involved in a cafe ordinance. He stated if we go after the road right of way because of an ordinance and impose sanctions on that where does it end. Businesses could come forward and argue

about the trash cans and light poles in the right of way. He stated he is not for the ordinance until it is refined.

12. Adjourn: Meeting adjourned at 8:50 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____