

Bellaire Village Council
Meeting Minutes
August 5, 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, Helen Schuckel, David Ciganick & Eldon McPherson.
 - Absent:** Trish Drollinger
 - Staff Present:** Lori Lockett, Clerk, Cathy Odom, Treasurer & Ken Stead, DPW Supervisor.
 - Also Present:** Linda Gallagher, Mark Polzin, & Ben Kladder, Fleis & Vandenbrink.
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 f, PA System-Speaker Inspection, discussion items c, DDA Meeting Minute Assistance and d, MDOT Email. Motion carried by voice vote.
4. **Conflict of Interest:** None presented.
5. **Consent Agenda:** The consent agenda was approved. President Schulz noted the communication items.

Motion by Schuckel, seconded by Bennett, to approve the consent agenda as presented. Motion carried by voice vote.
6. **Public Comment on Agenda Items:** Mr. Polzin addressed Council on the condition of the village streetlights. He said some of the name plates need repair or replacing and they could use a good paint job. President Schulz noted that he would refer this to the DPW and to the treasurer for review of the budget. He also noted this might be something for the DDA to put into their plan.
7. **Old Business:**
 - a) **Saw Grant:**
 - **GIS Program-Fleis & Vandenbrink-Ben Kladder:** Mr. Kladder provided a small presentation of the new GIS system we were able to obtain through the SAW Grant. This software will help the Village keep up with the condition and maintenance of our storm and sanitary manholes. This program has unlimited possibilities, allowing for mapping of other things such as a cemetery map, marking hydrants and water system lines. President Schulz informed the Council the grant included two tablets that will allow the DPW to take this information into the field which will help us manage the systems.
 - **GIS Training:** The grant covers training of the GIS program for three people. The cost is \$224 per person if additional personnel should be trained. Mr. Stead said at a minimum, himself, Mr. Thompson, Mr. Kirt and the office staff should be trained, but he feels that everyone should be trained due to vacation schedules and time off. This will allow anyone who needs to use the equipment the ability to do so. Mr. Kladder from Fleis & Vandenbrink explained that funds may still be available to move around within the grant for the extra training due to being under budget with the hardware purchases. President Schulz stated that Mr. Stead, Clerk Lockett and Treasurer Odom develop a list of trainees and have Clerk Lockett coordinate and discuss with Mr. Kladder the process by which we move funds from the hardware component of the grant to the training component.

- **Annual Software Maintenance Agreement:** It was originally thought that the first year of support was not included with the purchase of the software, however, it is included. The support costs for each successive year is \$1,500. This support includes any updates to the software and allows for the online component, which supplies the apps for the tablets. This can be reviewed during budget discussions.
- **Amazon S3 Cloud Storage:** The software program, from Esri, will hold scanned “pdf” information, however it is more expensive. This Cloud storage will hold all of the “pdf” maps and files that are in the GIS program and also allow the tablets access to those files. The S3 Cloud storage is free for the first 5GB, then there is a cost of \$.05/per GB after that. This would require us giving them credit card information to keep on file if it ever needs to be charged. Mr. Kladder informed Council that 5GB is an abundance of storage space and we may never have to be charged for more than that. He said they give you 750 hours of download time, which is also an abundance and would take a while to go through.

Motion by Ciganick, seconded by Schulz, to establish an Amazon Cloud account using the limited dollar value credit card. Motion carried by voice vote.

- b) **Blocked Alley-507 Richardi:** This was tabled due to a scheduling conflict.

Motion by Schulz, seconded by Ciganick, to table Blocked Alley-507 Richardi. Motion carried by voice vote.

- c) **General Waiver of Liability:** This waiver of liability form was prepared at the request of the Council for the DPW & the police department due to a previous issue. There are many times that these departments are asked for assistance, which could open us up to liability issues. These forms would be placed in the police vehicles and DPW offices and describe the date, time and reason for assistance and the disclaimer that in the event something is damaged we will not be held liable.

Motion by Bennett, seconded by Schulz, to accept and put into practice the Bellaire Waiver of Liability. Motion carried by voice vote.

- d) **ZBA Appointment:** We ran an ad for the vacancy in the paper for a week, posted it on the website and have received no interest candidates. President Schulz suggested running the ad for another week and address again next meeting, Council agreed.

- e) **Sidewalk Obstruction Ordinance:** At a previous meeting this ordinance was presented and was sent to legal counsel for review. Legal counsel has reviewed it and a copy was presented. The attorney recommends that a public hearing be held. Discussion of what this would affect occurred. Clerk Luckett explained that the required walkway would be 4’ instead of the 5’ the State allows, which begins from the front of the downtown buildings. Businesses would be able to place items outside of the 4’ area but a permit will be required and it cannot cover more than 50% of the lineal frontage. Anything placed in the area outside of the 4’ area must also not block anyone from getting out of their vehicles. This ordinance has also listed standards so that it can be enforced if needed. President Schulz recommends the public hearing be held at 6:00 pm before the Council meeting on September 2, 2015.

- f) **Park Policy:** Trustee Drollinger was unable to attend this meeting and she indicated that she would like to speak on the use of public property for profit. President Schulz, however, did present a brief overview. Treasurer Odom placed this question on the list serve to see how other communities are handling this. One community mentioned that if a space in a public building is rented to a for profit company, for example, the rental of the other half of this building, we may have to have the property placed back on the tax roll because we are allowing someone to make a profit on or in a tax exempt property. It was also noted that renting out a space in a public park for yoga classes would probably be significantly different

than renting out our building space, but these are all things to consider when reviewed. This item was tabled until the next meeting.

Motion by Bennett, seconded by Hardy, to table this Park Policy until the next meeting. Motion carried by voice vote.

- g) **DDA Appointments:** We have received two resignations to the DDA and we have solicited for candidates to fill the vacancies. We have received one application from Rolland Fink, owner of Uniquely North. The DDA reviewed the application at their meeting and would like to request the appointment of Mr. Fink to the DDA. President Schulz would like to appoint Rolland Fink to the DDA board.

Motion by Bennett, seconded by Ciganick, to approve the appointment of Rolland Fink to the DDA Board. Motion carried by voice vote.

- h) **Hickory Lane Update:** Recap. A letter was drafted and sent certified to the tenant who placed three picnic tables on the Hickory Lane right of way. The tenant did not elect to sign the certified letter and it was returned to the Village offices. Based on legal counsel recommendation, Chief Rowe presented it in person to the tenant about a week before this meeting and the tables are still not removed. President Schulz said this poses a definite risk of liability to the village, the landlord and the tenant. legal Counsel advises that we do not just remove the tables. Clerk Luckett noted that according to the attorney, this is due to deprivation of private property and the fact that the Village doesn't have an established policy in regards to removing items such as this. President Schulz stated the next step for us is to begin litigation if that is what is decided. Clerk Luckett said it is an Injunctive Action against her for putting the tables in the road. Seeking legal fees was discussed and Clerk Luckett noted that in our action for relief, we could seek legal expenses, keeping in mind that the course for legal representation is dependent on how the defendant proceeds. The course of action for the Council at this time is to determine if you want it turned over to legal counsel. Trustee Ciganick is concerned about something happening to someone before the tables are finally removed. President Schulz asked if we proceed with legal action, noting the potential safety hazard, can our legal counsel request from the judge to have the tables removed. Clerk Luckett noted that he may be able to get an ex-parte injunctive order under the circumstances, but this has not been discussed. Trustee Ciganick stated that he liked this idea because it addresses the safety issue quicker. Clerk Luckett verified that Council wanted to turn this issue over to legal counsel consistent with the terms of counsel's email and trustee Ciganick would also like to include the statement regarding the request to the judge that the tables be removed immediately due to the safety aspect.

Motion by Bennett, seconded by McPherson, to turn this issue over to legal counsel. Motion carried by voice vote.

- i) **Peddlers Permit Research:** Council wanted to gather information from other communities on their policies and procedures on things such as food trucks, which was presented to the Council. Clerk Luckett said it is currently allowed through zoning in R1 districts only. This is something that should be set up under the village code. She said if an ordinance is developed, it would cover a wider range of peddlers. President Schulz suggested that the Streets & Motor Pool Committee meet to review and provide feedback to Council. It was also suggested that we ask the Chamber and representatives of the DDA for their input. No further action was taken.
- j) **Webcam:** The quote for a new webcam was presented at a cost of \$885.90. To replace it or discontinue its use was discussed.

Motion by McPherson, seconded by Bennett, to repair or replace the webcam based on the quote. Motion carried by voice vote.

- k) **Banners:** Trustee Drollinger had asked for this to be on the agenda to see if Council would like to purchase a sponsor banner in the Council's name.

Motion by Schulz, seconded by McPherson, to purchase a sponsor banner with the verbiage of Bellaire Village Council. Motion carried by voice vote.

8. New Business:

- a. **Well Bids:** Council received and reviewed five bids for the new well. Mr. Stead worked with Mr. Jim Brody and they are recommending that the Village approve the bid from Pearson Drilling Co. out of Lake City at a cost of \$55,105.00. The budget was reviewed and it was noted that a budget amendment from fund balance would have to be approved. Mr. Stead reminded Council that there may be an additional cost if the motor & pump from the old well, which we will be using, needs any work done to it. He said we won't know if it needs anything until it gets pulled from the old well.

Motion by Bennett, seconded by Schulz, to approve the well bid for \$55,105 from Pearson Drilling Co. out of Lake City, MI. Motion carried by voice vote.

Motion by Schulz, seconded by Bennett, to revise the 2015-16 water fund budget under using fund balance to \$47,889.45 and to increase the capital outlay budget to \$55,105. Motion carried by voice vote.

- b. **Zoning Ordinance Amendment:** This amendment will provide a reduction in rear setbacks for properties that border the walking path. This will change the setback from 25' to 5'. A public hearing was held and it is being recommended for approval by the Planning Commission.

Motion by Schulz, seconded by Bennett, to approve zoning ordinance #ZO 2015-2. Motion carried by roll call vote. Ayes: Bennett, Ciganick, Hardy, McPherson, Schuckel & Schulz. Nays: None Absent: Drollinger.

- c. **Resolution #14 of 2015, Streetlights:** Consumers Energy would like to replace an outdated streetlight on N. Genessee & Bellaire Hwy., but need a resolution by Council giving them permission to do so. There should be no cost to us except our regular monthly billing.

Motion by McPherson, seconded by Hardy, to approve Resolution #14 of 2015. Motion carried by roll call vote. Ayes: McPherson, Hardy, Bennett, Ciganick, Schuckel & Schulz. Nays: None Absent: Drollinger.

- d. **Short's Request-Tree:** The tree in front of Shorts has died and before we replace it they would like to know if it can be relocated so as not to block their front window. Mr. Short has also said he could help with the cost of its relocation. Trustee McPherson said just to fill the hole allowing for more open space.

Motion by McPherson, seconded by Hardy, to not replace the tree, fill the hole and keep it as more open space. Motion carried by voice vote.

- e. **Water/Sewer Bill Request-309 N. Maple:** A resident has asked for relief of fees on his water bill as he was charged for an entire previous month of service because he had his water turned on the same day that we read meters. His service was not on for the time period he was charged.

Motion by McPherson, seconded by Schulz, to waive the ready to serve fees charged for the period of time his service was not turned on. Motion carried by voice vote.

- f. **PA System-Speaker Investigation:** Patty Savant indicated that someone from Waara Technologies, at no expense to the Village, would be willing to check out the public service system speaker in front of the hall due to it possibly not working.

Motion by Ciganick, seconded by Hardy, to allow him to check out the speaker by the community hall to see if it is working properly at no cost to the Village. Motion carried by voice vote.

10. Discussion Items:

- a) **Streetlight Maintenance:** Discussed earlier in the meeting, President Schulz recommended this be discussed at the Streets Committee meeting when they meet to discuss the peddler's permit research. No further action was taken.
- b) **Risk Management:** We received a couple of letters from our risk management company dealing with our previous audit. They are following up with a couple of recommendations they requested be taken care of. One is a policy & procedure manual for the police department and one is an enrollment in automatic updates of driving records for our personnel. Council discussed the driving records and previously chose not to enroll in the automatic updates program. The procedure manual for the police department is currently being worked on. Staff will let them know where we are at with these recommendations.
- c) **DDA Meeting Minutes Assistance:** The DDA member who currently serves as the secretary is contemplating submitting their resignation. In the event they officially do resign, the DDA is checking into the possibility of the Village Clerk or Treasurer producing the minutes for them on an interim basis. Trustee Ciganick stated that he is not in favor of the Village staff doing this task. President Schulz said he will inform the DDA.
- d) **MDOT Email:** MDOT sent an email to Clerk Luckett expressing that at this time, they are not going to make any changes to the 3 way stop light downtown. There have been no pedestrian accidents at this intersection resulting in this decision. Discussion occurred about the possibility of better signage explaining the three way stop and about adding another crosswalk sign.

10. Department/Committee Reports

- a) **Committee Reports:** None presented.
- b) **Clerk/Planner:** A written report was presented.
- c) **Treasurer/Deputy Clerk:** None presented.
- d) **Department of Public Works:** Mr. Stead noted that he met with a State representative for quality assurance and quality control for the bridge inspections. He informed Council of the possibility of future inspections at the Craven Park dam requiring divers.
- e) **Police Department:** A written report was presented.

11. Closing Member/Public Comment:

- **Eldon McPherson:** noted that he and Trustee Ciganick checked out the new lights installed at the two streetlights to see if the new bulbs made a difference in brightness. Trustee Ciganick stated that brighter is better. Mr. Stead agrees. Council was reminded to take a look and bring back their recommendation.

12. Adjourn: Meeting adjourned at 8:38 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____