

**Bellaire Village Council
Meeting Minutes
December 2, 2015**

1. **Call to Order:** President David Schulz called the meeting to order at 7:00 PM.
2. **Roll Call Attendance:**
 - Present:** President David Schulz, Council Trustees Dan Bennett, Bryan Hardy, David Ciganick, Trish Drollinger & Eldon McPherson.
 - Absent:** Helen Schuckel
 - Staff Present:** Lori Lockett, Clerk, Brad Rowe, Chief of Police & Cathy Odom, Treasurer.
 - Also Present:** Colette Stanish, Betty Daugherty, Tyler Bevier, Joe Short, Don Hoyt. Aaron Kirt & Bradley Keiser.
3. **Approval of Agenda:** The agenda for December 2, 2015 was approved with additions.

Motion by McPherson, seconded by Bennett, to approve the agenda with the addition of new business item j, Antrim Conservation District Plowing Recommendation, item k, Removal of Old Construction Sign by Brush & Leaf Pile and item l, Replacement of Discharge Meter at Meadowbrook & Request for Meadowbrook to Pay Engineering Costs. Motion carried by voice vote.
4. **Conflict of Interest:** President Schulz noted his conflict with new business item l, Meadowbrook meter and costs. He will pass the gavel to President Pro-tem Dan Bennett at that time.
5. **Consent Agenda:** The consent agenda was approved.

Motion by Bennett, seconded by Hardy, to approve the consent agenda as presented. Motion carried by voice vote.
6. **Public Comment on Agenda Items:** Betty Daugherty at 207 Second St. was going to discuss zoning at her residence, but in light of new information that was found, chose not to comment.
7. **Old Business:**
 - a) **Workman's Comp-Review:** At the October meeting, Council decided that due to the restrictions the DPW Supervisor received as a result of a work related injury, he would be off for 60 days and to pay him his wages and benefits while he was off, with the provision that it be reviewed again in 60 days. Restrictions still remain, with an additional 6-8 weeks of rehab, which brings it to the middle of January. President Schulz noted that with the budget and review process beginning, he is recommending the DPW Supervisor come back to work in an administrative capacity only. Trustee Ciganick asked if there was anything administrative that was prohibitive by his physician and it was noted there was not. He said that it seems reasonable as long as he adheres to the doctors restrictions. Trustee Drollinger noted that he was driving his personal vehicle and is able to use his other arm. President Schulz informed Council that the Administration Committee is currently working on a workman's comp policy, but it is not complete at this time, which makes this decision up to the discretion of the Village Council. Trustee Bennett agreed that there wasn't anything administrative that should make him go against the restriction, but his concern is a disability claim that could hurt the Village for several years. Trustee Drollinger agrees that she is concerned about him injuring himself again and asked if limiting his duties to administrative only should be in writing. President Schulz noted that the minutes of the meeting explaining what his responsibilities would include should be sufficient, but we can put together a restrictive duty assignment list. With this list in place, if he performs duties outside of that list and hurts himself again, we would be responsible from a workman's comp standpoint, but we would be

able to pursue disciplinary action for his violation of the list. Trustee Ciganick noted all we should have to do is to attach the doctor's restrictions to his return.

Motion by Ciganick, seconded by Bennett, to contact the DPW Supervisor and request his return to work with the doctor's restrictions attached as of the date he returns, limiting his activity to administrative responsibilities only. Motion carried by voice vote.

- b) **Ordinance #01 of 2015, Parking Amendment:** This amendment will restate language concerning parking on E. Broad St. and also to change the two hour parking limit to a four hour parking limit on M-88 from Cayuga to Bridge Lane. Chief Rowe noted this may be unnecessary change with the problem being more from daily parking than from evening parking. Trustee Ciganick noted the thought process behind this decision is how busy downtown seems to get in the summer evening hours. This would allow for some turnover for businesses that are open in the evening.

Motion by Bennett, seconded by Ciganick, to adopt Ordinance #01 of 2015, amending the language for no parking on E. Broad St. between Bridge Lane and M-88. and changing from two hour parking to four hour parking on Bridge St. between Cayuga and Bridge Lane. Motion carried y roll call vote.

- c) **Parking Signs:** With the adoption of Ordinance #01 of 2015, new signs will have to be ordered and placed downtown noting the change to 4-hour parking. There are currently 4 signs on Bridge St. that need changing at a cost of \$21.00 per sign.

Motion by Hardy, seconded by Bennett, to approve the purchase of signs reflecting the new Ordinance #01 of 2015. Motion carried by voice vote. Ayes: Hardy, Bennett, Ciganick, Drollinger, McPherson, Schulz.

- d) **Peddler's Ordinance Update:** At the last meeting Council decided to approve the development of an ordinance not allowing peddler's on the streets. At this point the question is whether to place it in the codebook under its own chapter or place it in the existing traffic chapter. Council should also decide whether they want the attorney or the Village to develop the draft. Clerk Luckett explained why Council would consider placing into the existing chapter. Trustee Ciganick noted the committee doesn't want to discourage peddlers from doing business, they just didn't want them taking up the already limited downtown parking spaces. Council directive was to have the attorney draw up a draft for the existing chapter.

8. New Business:

- a. **Antrim County-All Hazard's Plan:** Leslie Meyers from the County was going to explain the County's Hazard Plan but could not be in attendance so this item was tabled until the next meeting she was able to attend.
- b. **ZBA Appointment-Leslie Meyers:** Leslie Meyers completed an application to serve on the Zoning Board of Appeals (ZBA). There were no other interested candidates and President Schulz would like to appoint Leslie Meyers to the ZBA.

Motion by Bennett, seconded by Hardy, to approve the appointment of Leslie Meyers to the Zoning Board of Appeals with a term expiration of November 15, 2016. Motion carried by voice vote.

- c. **Administration Committee Recommendations:**

- **Personnel Policy:** A copy of the current and new personnel policy was previously sent out to Council members for their review. President Schulz asked Council members if they had any concerns or questions about the changes to the policy and there were none.

Motion by Bennett, seconded by Schulz, to approve the updated Village of Bellaire Personnel Policy. Motion carried by voice vote.

- d. **DDA Director & Compensation Approval:** President Schulz explained that the DDA has been meeting on a regular basis once a month. They have decided to hire a director to help develop the DDA plan and find funding mechanisms. A copy of a resume and references for Tyler Bevier was presented for review. An agreement was also presented and all needs to be approved by Council. President Schulz said the DDA made some changes to the agreement in their review and the new draft is before Council. He introduced Tyler to the Council and Tyler explained his current work and accomplishments. The agreement includes Tyler's wages and President Schulz explained Tyler is considered an independent contractor and his wages will come from DDA funds. He is in the process of becoming bonded, which is required.

Motion by Schulz, seconded by Bennett, to reaffirm the DDA's request to name Tyler Bevier to be the Village of Bellaire Downtown Development Authority Director. Motion carried by voice vote.

- e. **Resolution #14 of 2015, PA152, Opt Out:** President Schulz explained that PA 152, passed several years ago, gave governmental entities three options to choose from for health care for their employees. One option is to opt out, allowing the local Board to decide about employee coverage, two is an 80/20 plan where employees pay at least 20% of health care costs and three is a hard cap, which limits government costs of health care to that cap amount. In the past the Village has chosen to opt out, allowing for the Council to decide what is best for the Village based on review of the budget and what can be afforded on an annual basis.

Motion by Schulz, seconded by Bennett, to adopt resolution #14 of 2015, exercising our option to opt out of PA152. Motion carried by roll call vote. Ayes: Bennett, Ciganick, Drollinger, Hardy, McPherson & Schulz.

- f. **WWTP Property-Trapping:** For the last several years a gentleman has been trapping muskrats at the WWTP. Due to the potential damage these animals can cause, it is something that needs to be done. Due to the recent incident with trespassing, there was a concern that Council should also address this. Trustee Bennett explained that he has seen the damage that can be caused by them and agrees it's a good idea to allow the trapping to continue.

Motion by Bennett, seconded by McPherson, to authorize the continuation of trapping on behalf of the Village. Motion carried by voice vote.

- g. **Park Contract-Bellaire Public School:** The annual Bellaire School agreement for field use in the Village parks was presented. Except for the dates on the agreement there were no changes.

Motion by McPherson, seconded by Drollinger, to authorize the Village President to sign the agreement between the Village of Bellaire and the Bellaire Public Schools for the use of the parks. Motion carried by voice vote.

- h. **Zoning-Land Use Question:** We received a call from a mortgage company requesting zoning information about the property at 207 Second St. and a second dwelling unit on the property that the owners were renting out to non-relatives. After some research, we couldn't find the necessary special use permit. Upon further research, one letter was found that denied the owners request to use that property as R-2 residential. Then a second letter was found stating that the Planning Commission agreed to allow the renting of the apartment, which was addressed in new business action and not as part of the special use permitting process under the zoning ordinance. In light of these findings, President Schulz asked for Council preference. He also noted his appreciation of the Clerk and Treasurer for their recording and retaining of Village records.

Motion by Hardy, seconded by Ciganick, to accept this past correspondence and past action permitting the Daugherty's to rent out the in-law apartment. Motion carried by voice vote.

- i. Sponsor Banners-Schools:** The Village has been approached about purchasing sponsor banners by a school board representative. They are asking if the new banners could be in the school colors. Trustee Ciganick asked if we wanted to start getting into multiple colors, stating that right now everything looks very nice in the blue colors. It was noted that the School Board had not been approached as of yet, the representative was just checking into it at this point. Council consensus is that it would be wonderful to have the school sponsored banners in place, but that they should be in the same colors as the others.
- j. Antrim Conservation District Plowing Recommendation:** There has been a request from the Antrim Conservation District requesting the Village to plow the District's driveway during their regular plowing circuit. In reviewing the committee minutes, the Antrim County Road Commission (ACRC) is also in the area and the committee recommends that they pursue this request with the ACRC.

Motion Ciganick, seconded by Schulz, to communicate to the Antrim Conservation District that recommendation. Motion carried by voice vote.

- k. Removal of Old Construction Sign by Brush & Leaf Pile:** This sign was in place for the construction of the wastewater treatment facility, which has been complete for many years. A permanent plaque is in place.

Motion by Ciganick, seconded by Hardy, to direct the Department of Public Works to remove the sign regarding the construction of the waste water treatment plant at the end of Court St. Motion carried by voice vote.

- l. Replacement of Discharge Meter at Meadowbrook & Request for Meadowbrook to Pay Engineering Costs:** President Schulz turned the meeting over to President Pro-tem Bennett due to his conflict with this item. Trustee McPherson explained we have the ongoing maintenance for the temporary meter at Meadowbrook and it is recommended by the committee to use option 2, which is to install a complete cast on-site permanent meter at a cost of \$20,000 plus \$4,500 for engineering fees. Trustee Drollinger noted that until last year we were using their water meter to determine their sewer usage, which found discrepancies in the readings and what was actually used. This would solve these discrepancies and minimize maintenance. It would be read like any other meter. They are recommending that the Village pays for the cost of the meter and ask Meadowbrook to cover the engineering fees.

Motion by McPherson, seconded by Drollinger, to recommend to the Village Council Option 2, in regards to the discharge meter being replaced at Meadowbrook Medical Care Facility. Motion carried by voice vote.

The meeting was returned to President Schulz.

9. Discussion Items:

- a) Christmas Party:** Council directed staff to look into dates and time.
- b) Performance Evaluations:** Reminder for staff to get the performance reviews to employees for completion.

10. Department/Committee Reports

a) Committee Reports:

- Streets & Motor Pool met and began budget discussions. Trustee Ciganick stated there would be an increase in sand and salt for next year and the committee will be looking for input from the staff.

- Public Safety has also met and began budget discussions. Chief Rowe noted that new tasers have been purchased.
- b) *Clerk/Planner:* None presented.
- c) *Treasurer/Deputy Clerk:* None presented.
- d) *Department of Public Works:* None presented.
- e) *Police Department:* A written report was presented.

11. Closing Member/Public Comment:

- **David Schulz:** Transferred the gavel back to President Pro-tem Bennet to make a comment as a member of the public. David Schulz commented as the Administrative Services Director for Meadowbrook Medical Care Facility. He stated that the temporary meter at Meadowbrook was installed due to a huge discrepancy at one time between the water meter coming from the facilities well and the discharge. The cause was detected in an erroded sanitary line under a portion of the facility under renovation. Meadowbrook spent in excess of \$200,000 to line, remove and replace the line. He understands that now there is a minimal discrepancy at this time. He said to please consider this since the Village wants to spend \$20,000 on a meter problem that now does not exist. He noted that there was reference to the replacement of potential failed clay lines and noted that the same standards should be followed for other entities that have these types of lines. He also noted that the Village will have to look at the location of where the meter will be installed as it may not be on Village property so permission of the land owner may have to be obtained.

12. Adjourn: Meeting adjourned at 7:52 P.M.

Compiled by Cathy Odom
 Minutes are subject to approval.

Approved: _____

Date: _____