

**Bellaire Village Council
Meeting Minutes
January 6, 2016**

1. **Call to Order:** President David Schulz called the meeting to order at 7:02 PM.
2. **Pledge of Allegiance**
3. **Roll Call Attendance:**
 - Present:** President David Schulz, Council Trustees Dan Bennett, Bryan Hardy, David Ciganick, Trish Drollinger, Eldon McPherson and Helen Schuckel.
 - Absent:** None
 - Staff Present:** Lori Lockett, Clerk, Brad Rowe, Chief of Police & Ken Stead, DPW Supervisor.
 - Also Present:** Colette Stanish, Patti Savant, Marguerite Karabin, Tim Reicha, Gary Lockwood, Terry Lockwood, Bill Drollinger, Aaron Kirt & Bradley Keiser.
4. **Approval of Agenda:** The agenda for January 6, 2016 was approved as presented.
 - Motion by Schuckel, seconded by Bennett, to approve the agenda as presented. Motion carried by voice vote.**
5. **Conflict of Interest:** Trustee Drollinger stated her conflict with old business item c) Resolution #1 of 2016, PA 152 Opt Out and new business item g), Police Chief position. President Schulz noted his conflict with old business item d), Meadowbrook meter. He will pass the gavel to President Pro-tem Dan Bennett at that time.
6. **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.**
7. **Public Comment on Agenda Items:** None presented. President Schulz explained to those in attendance for the first time or who attend infrequently, there would be an opportunity to make public comment at the end of the meeting which would not be restricted to the agenda.
8. **Old Business:**
 - a) **DDA Lease:** President Schulz explained that the draft lease included in council packets was the same lease that had been used for Parkside Arts Council. He noted that the provision requiring liability insurance had been removed. Because the DDA is a board under the village government it is covered under village insurance.
 - Motion by Hardy, seconded by Drollinger, to approve the lease between the Village of Bellaire and the Bellaire Downtown Development Authority. Motion carried by voice vote.**
 - b) **Ordinance #01 of 2016, Peddler's:** Ordinance presented was in its final form. President Schulz requested a motion to approve. Ciganick noted that he had a point for discussion. President Schulz indicated that discussion could occur after a motion and second.
 - Motion by Drollinger, seconded by Schulz, to approve Ordinance #01 of 2016. Motion failed due to further discussion.**

There was discussion on the motion. Ciganick directed council to page 2, Section 114-18 and suggested that it would be appropriate to strike paragraph C in its entirety. He explained that the emphasis was to retain the ability to park on village lots and village streets. This exception would allow schools or other non-profits to set up shop in those spaces; that was not the committee's intention. After further discussion Drollinger and Schulz agreed to the proposed amendment to the motion.

Motion by Drollinger, seconded by Schulz, to adopt Ordinance #01 of 2016 with the amendment to strike Section 114-18 C. Motion carried by roll call vote. Ayes: Drollinger, Bennett, Ciganick, Hardy, McPherson, Schuckel and Schulz.

- c) **Resolution #1 of 2016, PA 152 Opt Out:** President Schulz explained that while the council thought it had taken care of this matter, there were a couple of issues; the resolution had the wrong number thereon and one of the trustees should have abstained from the vote citing conflict of interest. President Schulz requested a motion to approve Resolution #1 of 2016.

Motion by Bennett, seconded by McPherson, to approve Resolution #1 of 2016. Motion carried by roll call vote. Ayes: Bennett, McPherson, Ciganick, Hardy, Schuckel and Schulz. Drollinger abstained.

- d) **Meadow Brook Meter:** President Schulz again identified his conflict of interest and passed the gavel to President Pro Tem Bennett. McPherson reviewed the request made of Meadow Brook to pay for the engineering cost for the permanent meter noting that the Meadow Brook board asked questions but needed additional time to review the matter with its maintenance supervisor. Bennett wondered if the matter could be dealt with as Meadow Brook had not yet responded to the request for cost sharing. McPherson thought the council had already decided to install the meter regardless. Bennett instructed that there were two ways to deal with this matter, it could be postponed or the motion made at the last meeting could be reconsidered. There was discussion about the approved recommendation for a permanent meter. McPherson noted that the temporary meter was not made to be the permanent solution to this situation. Drollinger added that the discrepancy between the two meter readings was a lot. McPherson noted that we are pushing the storage capacity at the treatment facility; we need to do everything we can to monitor. Bennett indicated that if Meadow Brook will not contribute another motion will have to be considered by the council to pay the total cost, including installation. Drollinger requested that the matter be tabled until Meadow Brook responded to the request to pay for the engineering costs.

Motion by Drollinger, seconded by Hardy, to table until next month's meeting. Motion carried by voice vote. Schulz abstained.

9. New Business:

- a. **Property Easement – Mallard Lane:** President Schulz identified the survey contained in the packet. Ciganick explained the subject property and the village owned property over which property owners were requesting an ingress/egress easement. Stead indicated that the village had a water main. President Schulz requested a motion to grant a property easement over village property for ingress and egress for access off Mallard Lane. Drollinger asked why they would not access off of Bridge Street. Ciganick stated that the property owners wanted the proposed home to face Mallard Lane. Concerns about precedent and adverse possession were expressed. The easement will have to be specifically described. Due to the lack of motion and questions raised, President Schulz requested that the matter be tabled for the property owners to identify the exact location of the easement and for staff to research the question of adverse possession.
- b. **Short's 2016 Anniversary Party Request:** Tim Reicha, appearing on behalf of Short's Brewing Company, presented the request for approval of the anniversary party including the approval of the road closure between Cayuga and Broad Streets from 5:00 p.m. Friday, April 29 to noon Sunday, May 1 and sidewalk closure from noon to 10:00 p.m. on Saturday. Reicha confirmed that the council had received the site plan. He informed council that the event entrance was being moved to Cayuga and that there was no request for a noise variance. According to Reicha there will be 750 fewer tickets offered for sale this year. Ciganick noted that the site plan requested sidewalk closure until 11:00 p.m. Reicha stated that an extra hour was requested for safety reasons as they would be using heavy equipment during clean up.

President Schulz asked about the equipment that had been left on site last year for a couple of days. Reicha indicated that last year the equipment rental had been subcontracted, this year Short's was handling equipment rental directly. A letter from Mr. Tracey, owner of Bellaire Bait & Tackle, outlining his concerns about access to parking spots was presented for discussion. McPherson noted that the party was being held the opening day of trout season and that access to his business for parking was restricted. According to Tracey he lost 50% of his business last year. Chief Rowe informed council that parking spots had been blocked off by public safety to accommodate law enforcement parking. They will make sure cones are removed. Drollinger and McPherson asked if signs could be made to identify two reserved parking spots for Bellaire Bait & Tackle. Rowe asked if violators would be towed. McPherson thought they would have to be. Patti Savant, from the Bellaire Chamber of Commerce, indicated that she had also spoken with Mr. Tracey; the complaint was about the lack of enforcement of the two hour parking limit. Ciganick thought that signs indicating that it was opening day of trout season would elicit a positive response. McPherson asked whether there was any extra time spent by public safety covering the event. Officer Drollinger indicated that there was not. Chief Rowe reported that there was no overtime being charged and other law enforcement agencies were not charging to assist. McPherson clarified that all items were going to be removed from the sidewalks and asked whether Short's intended to make a donation to the DDA again this year. President Schulz interjected that Short's did not make a profit last year but followed through on its commitment. He also pointed out that historically April was a very quiet month with little activity downtown. McPherson noted that there were several complaints about the event. Reicha indicated that certain complaints had been addressed.

Motion by Ciganick, seconded by Hardy, to grant permission for Short's anniversary party to be held Saturday, April 30 from 4 p.m. to 10:00 p.m. and the other bolded items in support of that event. Motion carried by voice vote.

- c. **Chamber of Commerce -2016 Schedule:** President Schulz informed council that the 2016 Event Request was included in their packet and that a motion would be required for the allocation of funds for the first event. Patti Savant addressed the council indicating that barrels for flowers was included in the schedule to eliminate confusion on the dates for the barrels to be put out and removed. The other events were as requested in previous years. The one exception was for the Paddle Antrim Festival; as it is a community function and other communities make donations towards the event, she was requesting that the village provide complimentary use of the Richardi Park Pavilion from noon to 4:00 p.m. Friday, September 16. Savant noted that the beer tent during the Harvest Festival & Scarecrow Extravaganza was identified as "pending approval" with approval needed from the chief of police and the Michigan Liquor Control Commission. Ciganick asked about the beer tent at the Paddle Antrim. Savant indicated that they were not including it in the request. She acknowledged that if the Paddle Antrim committee decided to offer alcohol she would come back to council. President Schulz asked for a motion to approve the requested event schedule, inclusive of the consideration of \$100 for the purchase of soil and flowers for the barrels, and the September 16 use of the Richardi Park Pavilion at no cost for Paddle Antrim.

Motion by Ciganick, seconded by Drollinger, to approve the requested event schedule inclusive of the consideration of \$100 for the purchase of soil and flowers for the barrels, and the September 16 use of the Richardi Park pavilion at no cost for Paddle Antrim. Motion carried by voice vote.

- d. **ACD-Plowing, Mike Meriwether:** President Schulz noted that Mike Meriwether was unable to attend and that there was no communication with the office. It was suggested that the request should be tabled until next month. Ken Stead indicated that he had spoken with Mike Meriwether while Meriwether was marking trees for removal in Craven Park. Meriwether had suggested to Stead that because the Antrim Conservation District had taken over the responsibility of maintaining the village portion of the walking path, he thought the village

could plow their driveway in exchange. When asked by Drollinger, Stead indicated that it would not be a problem and there would be not be a lot of extra work. Drollinger asked if it not a lot of extra work, why don't we do it. President Schulz inquired if Drollinger was making a motion.

Motion by Drollinger, seconded by McPherson, to help out the Antrim County Conservation District. Motion carried by voice vote.

- e. **Ice Rink-Gary Lockwood:** Mr. Lockwood addressed the council indicating that he recently moved to the area full time but had been coming to Bellaire for years. In past years there had been an ice skating rink in the park and he would like to resurrect it again. He was not requesting any capital or manpower from the village; he was requesting permission to use the property where the ice rink had been located. President Schulz asked staff about the infrastructure and whether it was available. Drollinger reported that the Parks Committee had met with the Lockwoods; the needed supplies would cost approximately \$800.00 for a liner and they will provide the labor.

Motion by Drollinger, seconded by McPherson, to approve allowing a skating rink at Richardi Park being spearheaded by Mr. and Mrs. Lockwood with the understanding that they are going to supply the needed supplies and labor. Motion carried by voice vote.

- f. **Police Chief Resignation Letter:** President Schulz indicated that he had officially received Chief Rowe's letter of resignation effective March 9.

Motion by Ciganick, seconded by Bennett, to accept the resignation of Chief Rowe effective March 9. Motion carried by voice vote.

President Schulz stated Chief Rowe has been with the village of 18 years, 16 as police chief and that he has received a lot of compliments about the chief and Bellaire public safety as a whole.

- g. **Police Chief Position:** President Schulz stated that Public Safety Committee had met for budgetary purposes when the possibility of the chief's resignation arose. After receipt of the letter, Public Safety met and made a recommendation regarding the posting of the police chief position. Bennett, as chairman of the committee made the recommendation to council to post the vacancy internally for five days; if the committee determines there is not a qualified candidate, then the vacancy will be advertised externally.

Motion by Bennett, seconded by Schulz, to post the police chief position internally for five days; if the committee determines there is not a qualified candidate, then the vacancy will be advertised externally. Motion carried by voice vote with Drollinger abstaining.

- h. **Administration Recommendations:** President Schulz reported that there was oversight in the recently approved personnel policy in that the Addendum A - Village of Bellaire Drug Testing Policy had been omitted and was also not referenced in the index.

Motion by Schulz, seconded by Bennett, to approve the addition of Addendum A to the index and that Addendum A – Village of Bellaire Drug Testing Policy be added to the Village of Bellaire Personnel Policy. Motion carried by voice vote.

- i. **PW Recommendations:** President Schulz noted that the packet had contained a report from Fleis & VandenBrink regarding the Village of Bellaire Wastewater Treatment Lagoon Biosolids Review recommending the village address the issue of the biosolids in the east lagoon. President Schulz noted that the Public Works Committee had met to discuss the report and turned the discussion over to committee chairman McPherson. McPherson noted that the report recommended that the sludge be removed in the near future. He added that Public Works had met to discuss the issue and was recommending that in order to cover the

cost of removal, the sludge rate be increased from .45 per 1000 gallons to \$1.50 per 1000 gallons. Drollinger added that the current rate of .45 is not setting nearly enough aside to take care of the sludge. Ciganick reported that the sludge account right now has \$182,000 in it; at the current rate we will not accrue enough money; we need \$290,000 to cover the removal of the sludge plus \$40,000 to cover the curtain that divides the lagoons. Ciganick noted that if the rate is increased to \$1.50 it will take two years to accumulate the funds to complete the job. Based on projections over the next six years, at \$1.50 per 1000 the village would then have funds available again in 6 years for sludge removal. It does not consider inflation factors but it would get the village up to speed. McPherson stated that the liner has to be replaced regardless of whether the lagoons are partially or fully pumped. Drollinger said that the increase would add about \$3.00 to an average bill. When asked about a rate study, Stead indicated that it would likely be done in June or July. McPherson said that the Public Works committee was recommending an increase in the sewer sludge rate now, then following up with a rate study to evaluate rates based on results of the study. Stead said the current rate was set approximately 10 years ago at the then cost of removal. Hardy noted that it obviously was never increased. Motion by McPherson, supported by Ciganick, to increase the sludge removal rate from .45 per 1000 gallons to \$1.50 per 1000 gallons. As the proposed increase had to be authorized by resolution, Resolution #2 of 2016 was identified in the motion.

Motion by McPherson, seconded by Ciganick, to approve Resolution #2 of 2016 increasing the sludge removal rate from .45 per 1000 gallons to \$1.50 per 1000 gallons. Motion carried by roll call vote. Ayes: McPherson, Ciganick, Bennett, Drollinger, Hardy, Schuckel and Schulz.

10. Discussion Items: President Schulz thanked DPW for removing the snow buildup from the sidewalks through downtown.

11. Department/Committee Reports:

- a) *Committee Reports:* No further reports.
- b) *Clerk/Planner:* A written report was presented.
- c) *Treasurer/Deputy Clerk:* None presented.
- d) *Department of Public Works:* A written report was presented.
- e) *Police Department:* A written report was presented. Chief Rowe indicated that he would be working with Tim Reicha and Bill Drollinger through the MDOT permitting process.

12. Closing Member/Public Comment: None.

13. Adjourn: Meeting adjourned at 8:08 P.M.

Compiled by Lori Lockett
Minutes are subject to approval.

Approved: _____

Date: _____