

**Bellaire Village Council
Meeting Minutes
June 1, 2016**

1. **Call to Order:** President Schulz called the meeting to order at 7:00 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: N/A

Staff Present: Lori Luckett, Clerk, Cathy Odom, Treasurer & Ken Stead, DPW Supervisor.

Also Present: Colette Stanish, Al Odom, Bradley Keiser, Linda Gallagher, Kent Bermingham, Judy Kuiper & Judy Parliament.

4. **Approval of Agenda:** The agenda for June 1, 2016 was approved.

Motion by Schuckel, seconded by Bennett, to approve the agenda for June 1, 2016 with the deletion of new business item b, Park Use Request and the addition of new business items 1, 4-H Request. Motion carried by voice vote.

5. **Conflict of Interest:** Trustee Drollinger noted a conflict with old business item d, wage increase-probationary period and Trustee Hardy noted a conflict with old business item b, parking space.

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

Motion by Hardy, seconded by McPherson, to approve the consent agenda as presented. Motion carried by voice vote.

7. **Public Comment on Agenda Items:** An attendee stated she was here to support the new zoning ordinance. Ms. Kuiper stated she was unaware of our meeting procedures, but to please let her know when she will address the parking space item on the agenda.

8. **Old Business:**

a) **Revocable License-507 Richardi St.:** President Schulz stated this is in response to the Village's desire to exercise the option that is within the original lease, allowing us to require the removal of the shed and concrete base that is in the village right of way. The resident is asking for a 45 day extension to relocate the shed. She is also asking that the permit fees be waived for the new location.

Motion by Drollinger, seconded by Hardy, to allow her a 45 day extension from May 20, 2016 to relocate the shed and that fees for the relocation are waived. Motion carried by voice vote.

b) **Parking Space (By Fischer Ins.):** President Schulz explained that we received a second letter from Judith Kuiper about the parking space in front of the entrance to her office located in the Fischer Ins. building. Ms. Kuiper said she changed her request for no parking in that spot to working hours only, which are three days a week, Tuesday, Wednesday & Thursday from 8-7. President Schulz reviewed the history of the issue. It was noted that the sidewalk was a new addition for Mr. Fischer a few years back and this is the entrance that was introduced when the decision was made to use the back of his building as a rental space. Ms. Kuiper informed Council of a sign she would like to place in front of that particular parking spot. It states "Please refrain from parking here, Tuesday, Wednesday, and Thursday from 8-7." It is not a no parking sign; it is just a request asking people not to park there. If someone chooses to park there, then there is nothing that can be done. Discussion of a different entrance to her office occurred. She stated there is another entrance but it does not open into the location of her waiting room. President Schulz stated that he would not have a problem with the sign she wants to place in that location, subject to a commitment from the landlord to communicate to Council when he is going to correct

the situation. President Schulz said that once this was corrected the need for the sign would be mitigated. Ms. Kuiper said she would like the sign to stay up all year partly because of winter conditions. Trustee Ciganick stated that he was not opposed to the idea but it seems like there could be another alternative with that entrance at the back of the building. Trustee McPherson stated if the sidewalk is laid to the back of the building, the issue could be resolved. It would open up to parking spots in the back of the building, which are their private spots, and it would be a short walk to maintain in the snow. President Schulz explained that she was in a difficult position.

Motion by Schulz, seconded by Bennett, to allow Dr. Kuiper to place the sign that notes Tuesday, Wednesday, Thursday, 8am to 7pm with the stipulation that the landlord indicate to the Village when they will make the path more accessible.

Motion Discussion: Trustee McPherson said we should include in the motion to redirect the path to a private spot. President Schulz noted that this would make an additional expense for them with Trustee Drollinger noting that this is a private business. President Schulz stated that we should try to keep this business in Bellaire. There was a discussion of the terms of the lease and he noted that when it was time for renewal, a solution to fix the problem and make it more permanent could be placed in the new lease. Trustee Bennett said this has put us in a difficult position due to the landlord not doing what should have been done, but also understands the problems of having to relocate the business. He feels this motion is a fair, temporary compromise. President Schulz stated that he will present a motion to send a letter to Mr. Fischer. Trustee Drollinger asked about putting a timeline on the first motion. Her suggestion is to allow the sign until the end of June suggesting that it be by the July meeting that Mr. Fischer presents a permanent solution. President Schulz asked about making the timeline until the end of July, however, it was noted that the summer will be over by then. Trustee Ciganick noted that once the sidewalk is finished, a private parking spot could be provided to her from the landlord, at least during the summer. There was discussion of the business property line and of placing cement parking blocks to prevent vehicles from pulling up too far. After this discussion the motion was amended to read:

Motion by Schulz, seconded by Bennett, to allow Dr. Kuiper to place the sign that notes Tuesday, Wednesday, Thursday, 8am to 7pm with the stipulation that the landlord indicate to the Village when they will make the path more accessible, with the additional walking space to be provided no later than July 1, 2016. Motion carried by voice vote with one abstention from Bryan Hardy.

With this discussion, Mr. Schulz, said he will wait on the motion to send a letter until we find out where the property line is located and then request a permanent solution. Trustee Drollinger noted that we may not be able to know this without a survey. Linda Gallagher asked about the deadline for the walking space, with President Schulz noting that if it is not completed by the due date, the Village may approach Dr. Kuiper and ask her to remove her sign.

- c) **Audit:** A copy of the official financial statement was presented. President Schulz stated we currently have eight checking accounts and with the accounting software that we use; we have the capability to pool all accounts. In the auditor's management letter, they are requesting that we pool at least the water & sewer accounts. A discussion of this topic will be presented at a future meeting.

Motion by Schulz, seconded by Hardy, to accept the Village financial statement dated February 29, 2016 from Berthiaume & Company, Certified Public Accountants. Motion carried by voice vote.

- d) **Wage Increase-Probationary Period:** This was to determine a wage increase for Officer McBee, once his probationary period was complete. However, it was tabled because the probationary period had not been identified. It was noted that the old handbook stated the probationary period was 30 days, but this handbook is no longer valid. The new handbook does not state a probationary period. Administration is still working on amendments and until finalized, President Schulz recommends that we use the 30 days.

Motion by Schulz, seconded by Bennett, to set the probationary period for the 30 days that we have historically used, until the amendments and updates to the current handbook are completed. Motion carried by voice vote with one abstention by Trish Drollinger.

Motion by Schulz, seconded by Bennett, to approve the next step of the wage scale for Officer McBee, once his probationary period is complete. Motion carried by voice vote with one abstention by Trish Drollinger.

e) Parks Committee Recommendations:

- **Park Usage & Fees:** The Parks Committee discussed usage and fees for the use of the soccer park. Fees discussed would have in county children paying \$5.00 per year and out of county children \$10.00 per year.

Motion by Drollinger, seconded by Schuckel, to approve charging in county children \$5.00 per year and out of county children \$10.00 per year. Motion carried by voice vote.

Motion Discussion: Trustee Ciganick said he was thinking of the group that wants to go over on a Sunday and kick the ball around, but the sign says they can't. Trustee Drollinger noted that they could. Pickup games should be allowed because it is a public park. Fees will be charged for those people who want the park reserved for them. Trustee Bennett said this is something that needs to be scheduled. Trustee Ciganick said he is not for micro managing, which seems to be the case with the signage. Trustee Drollinger said the sign they are proposing reads "Registration is required for use of the soccer park." It's not aimed at people involved in a pickup game. President Schulz said the sign could be changed to read registration is required for organized use of the soccer park.

- **Soccer Park Signs:** The Parks Committee would like to place two signs at the soccer park stating that if anyone wants to use the park for an event, then the Village would have to be contacted because there's a charge. Fees were discussed with Trustee Drollinger explaining that if fees were paid by a resident as part of their regular league fees, they will not be charged again. If they are not part of the regular league, County residents will pay a fee of \$5.00 and out of County residents will pay \$10.00. Discussion of how to keep track of this occurred. Trustee McPherson stated that coaches or people in charge of the event could provide an outline.

Motion by Drollinger, seconded by McPherson, that we put a sign up that states registration is required for organized use of the soccer fields with the Village office number underneath. Motion carried by voice vote.

- **Park Use for Fundraising:** Trustee Drollinger informed Council that over the years, it has just been understood that our public parks could not be used to earn money; no for profit events in the park. The Parks Committee has readdressed the issue. They would like to leave the rental of the park currently as is. If you would like to have a for profit event, the committee recommends doubling the rate. Treasurer Odom asked how we would handle a weekly profit event. Would they be charged a rental fee each week? Trustee Drollinger noted something like this could be handled on a case by case basis.

Motion by Drollinger, seconded by Schulz, to allow non-profits to use the park for fundraising and pay the \$50.00 rental fee and any for profit organization is required to come to Village Council for approval at double the rate for rental. Motion carried by voice vote.

f) Public Works Committee Recommendation:

- **DPW Policy:** The committee discussed procedures and asked DPW and staff to put together a work order policy. A 5-step policy (#028) was developed and is being recommended for approval by Council.

Motion by McPherson, seconded by Ciganick, to adopt Policy #028, a DPW work order policy. Motion carried by voice vote.

- **Fire Department-Meter & Billing:** Council had asked that we track the usage for the meter located inside the fire department to see if it warranted charging them for usage. It was noted that 22,000 gallons of water had been used since November. The committee decided this was enough usage to warrant setting up an account for water usage only and billing for it.

Motion by McPherson, seconded by Drollinger, to bill the Bellaire Fire Department for the water usage on this meter as an irrigation account from the date of Village Council approval. Motion carried by voice vote.

9. New Business:

- a. **Cemetery Monument Restoration-Kent Bermingham:** Mr. Bermingham recently purchased a home in the area, is interested in genealogy and previously “adopted” a cemetery. He would like to adopt our cemetery. He explained that this means he would like to go into our cemetery to power wash and clean up some of the headstones. He said we have many civil war veterans and some of the headstones are in need of cleaning up. He would like permission to provide this service. He said he is familiar with the different types of materials that make up headstones so he is aware which headstones will stand up to a power washing. He doesn’t use any chemicals and if he feels the headstone will not stand up to the cleaning he will not wash that one. President Schulz said the concerns Council had have been addressed with his presentation and they are supportive.

Motion by Hardy, seconded by Bennett, to authorizing the cleaning of some of the headstones in the cemetery. Motion carried by voice vote.

- b. **Park Use Request-Youth Center Furniture Sale:** This item was removed from the agenda due to the sale being at a later date.
- c. **Road Closure Request-Commission on Aging:** The Commission on Aging (COA) will be holding their annual picnic at 308 E. Cayuga on August 18, 2016. They are requesting that Thayer Lane from Maple St. to the end of their parking lot be closed from 9am to 3pm allowing for safe foot traffic from their building to the event. President Schulz complimented the COA for the job they do for the seniors.

Motion by Drollinger, seconded by Schuckel, to approve the closure of Thayer Lane from Maple St. to the end of their parking lot on August 18, 2016 from 9am to 3pm for the annual picnic. Motion carried by voice vote.

- d. **DDA Budget Amendment:** Last month Council addressed the boundaries of the DDA. President Schulz stated the DDA has received a quote from Farrier Surveying to help set up a description for the boundary expansion at a cost not to exceed \$1,000. To allow them to proceed, the DDA is asking for a budget amendment in the amount of \$1,000 to cover the cost of Farrier’s services. President Schulz explained the expansion request included some of the public park areas. The reason being is that DDA’s can provide services for properties that are included in their district, which would allow some of their funds to potentially be used in those park areas.

Motion by Drollinger, seconded by Schulz, to approve the budget amendment of \$1,000 to cover the cost of the survey for the DDA boundary expansion. Motion carried by voice vote.

- e. **Alerus Retirement Fund Changes:** Alerus is the company that provides for the staff retirement funds. They review our funds on a regular basis and have come across some funds that are not very productive or cost effective. They are seeking approval to change some of these investment funds. The cost savings for the new funds would be about \$1,200 per year. They do need Council approval before making any of these changes. Information about the new funds was included in Council packets for review.

Motion by Schulz, seconded by Hardy, that pursuant to the document titled Confirmation of Investment & Default Fund Changes for account number 603139, the Village of Bellaire Pension Plan, the Village Council approve the transfer of fund additions and deletions as noted in that document. Motion carried by voice vote with one abstention by Trish Drollinger.

- f. **Zoning Ordinance:** President Schulz explained that the discrepancies and gaps in critical elements in the current ordinance are corrected in the proposed ordinance. He commended the Planning Commission and Zoning Administrator for their hard work. Clerk Luckett stated that unless there was anything Council wanted them to address, the proposed ordinance is ready for approval.

Motion by Schulz, seconded by Bennett, to approve the Village of Bellaire Zoning Ordinance that bears a date of May 24, 2016, which is the date of the second public hearing with changes with an effective date of June 17, 2016. Motion carried by voice vote.

- g. **Resolution #14 of 2016, Millage Rates:** It is time to set the millage rates for the 2016 summer tax season. The millage rates that were used to set the budget include an operating millage of 10.8359, a street millage of 3.1375 and a sewer general obligation millage of 1.4800. This will give the Village a total millage rate of 15.4534 for 2016. These rates are set by resolution.

Motion by Schulz, seconded by Bennett, to approve Resolution #14 of 2016, setting the millage rates for 2016. Motion carried by roll call vote. Ayes: Bennett, Ciganick, Drollinger, Hardy, McPherson, Schuckel & Schulz.

- h. **BSBL Contract:** The annual renewal of the youth summer ball league contract needs to be approved. The only changes would be the dates and is effective June 1, 2016..

Motion by Hardy, seconded by McPherson, to approve the annual contract between the Village of Bellaire and the Bellaire Summer Ball League. Motion carried by voice vote.

- i. **Lawn Mower:** We have received several quotes for a new lawn mower. Mr. Stead explained that we currently rented a mower to get through the week and it worked out well for what we need. We do have the option of purchasing this mower at a slightly discounted rate as it is a rental. The unit only had 11 hours on it at the time we rented it. If we do purchase this mower, our rental fee will be waived. Mr. Stead said purchasing this mower would serve the needs of the DPW and it costs less than the other ones we received quotes for. Treasurer Odom informed Council that a budget amendment will have to be done as this is not a budgeted item.

Motion by Schulz, seconded by McPherson, to approve the purchase of the test driven mower at a cost not to exceed \$6,600 and to approve a budget amendment for the purchase from motor pool fund balance to the expense account. Motion carried by voice vote with one abstention from Dan Bennett.

- j. **New Regulations-Dept. of Labor:** President Schulz explained a change coming up from the Department of Labor. They are changing the annual minimum wage requirement for an employee to be considered salaried. The new wage is set at \$47,476.00 and impacts a couple of employees at the Village. Things that will need to be looked at are employee contracts and if there will have to be any changes to them.

Motion by Schulz, seconded by McPherson, to move this to the Administration Committee for review. Motion carried by voice vote.

- k. **Senate Resolution No. 146:** This resolution is to urge Michigan communities to pursue innovative policies that promote economic development by attracting young STEAM professionals to work in financially distressed communities. President Schulz stated that we have already been doing this in working with Shorts on the grant. The DDA is also looking into affordable housing.

Motion by Schulz, seconded by Hardy, to move in the affirmative to support Senate Resolution #146.

Motion Discussion: Trustee Bennett stated that he will speak against this support. He said some of the things the legislature has done to hurt local communities makes it difficult for him to support this. He said he would not recommend to his own children to come back here under the current conditions.

A voice vote was taken but a definitive answer was not clear so President Schulz asked for a roll call vote. Ayes: Hardy, Ciganick. Nays: Bennett, Drollinger, McPherson, Schuckel & Schulz.

- 1. 4-H Request:** Clerk Luckett said she received a call from Crystal Swain and they would like permission to install an 8' x 24', 4" thick washing pad on the west side 6' away from the fencing on the same side as the grand stand. It would be used for the kids to wash their cattle.

Motion by Drollinger, seconded by McPherson, to approve this request as long as 4-H is paying for it and they get any necessary permits. Motion carried by voice vote.

10. Discussion Items:

- a) Park Restrooms:** Trustee McPherson asked about the closure of the restrooms that was addressed in a letter received. Mr. Stead informed Council that they are usually open by Memorial Day. Open hours of the restrooms were discussed. Discussion of leaving them open all night occurred with Mr. Stead stating that when the other officer is officially working in the evening, a more definitive schedule can be figured out.

11. Department/Committee Reports:

- a) Committee Reports:** Committee minutes were included in packets for review for those committees that met.
- b) Clerk/Planner:** Nothing presented.
- c) Treasurer/Deputy Clerk:** Nothing presented.
- d) Department of Public Works:** A written report was presented.
- e) Police Department:** None presented.

12. Closing Member/Public Comment: None presented.

13. Adjourn: Meeting adjourned at 8:32 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____