

**Bellaire Village Council
Meeting Minutes
July 6, 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, Trish Drollinger, Eldon McPherson and Helen Schuckel.

Absent: Trustees Dave Ciganick & Bryan Hardy

Staff Present: Lori Lockett, Clerk, Cathy Odom, Treasurer, Chief Bill Drollinger & Ken Stead, DPW Supervisor.

Also Present: Patty Savant, Deana Jerdee, Al Odom, Jack & Sharon Unger, Jan Clark & Katie Verellen.

4. **Approval of Agenda:** The agenda for July 6, 2016 was approved.

Motion by Schuckel, seconded by Bennett, to approve the agenda for July 1, 2016 with the change of item f to Zoning Ordinance Issues with bullet points of Zoning Ordinance Amendment and Fence under it; and the additions of item n, Budget Amendment-Sewer Curtain, item o, Utility Bill Refund & item p, Trees-903 Green Acres. Motion carried by voice vote.

5. **Conflict of Interest:** None presented.

6. **Consent Agenda:** The consent agenda was approved. President Schulz explained the requests from the Department of Treasury as a result of a review of the annual audit. He stated the Village will be responding with a corrective action plan and a deficit elimination plan as requested.

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.

8. **Old Business:**

Revocable License-507 Richardi St.: Previously Council approved a revocable license allowing this resident to keep a shed that was constructed in a Village right of way in that location. At a previous meeting Council decided to revoke the license and required the removal of the shed and cement foundation. At the last meeting, the resident asked for a 45-day extension for its removal, which was granted. However, Council approved the extension from the date of her request letter which conflicted with and was less than the amount of time originally granted in the license. The resident was asking us to change that extension from the time originally allowed for removal of the shed, which is July 6, 2016. After the motion was made, Trustee Drollinger noted that the shed and cement slab have already been removed.

Motion by McPherson, seconded by Schuckel, to change the requested removal date and granting the extension for 45 days beyond Wednesday, July 6, 2016. Motion carried by voice vote.

a) **Investment Committee Recommendations:**

- **Pooled Accounts-Water/Sewer:** The current software the Village uses for their accounting has the ability to either keep separate cash accounts for the different funds or to pool the cash accounts together into one, while still allowing for separate fund record keeping. We currently have separate cash accounts for each fund. The auditors are recommending that we at least pool the water and sewer accounts together.

Motion by Schulz, seconded by Bennett, to pool the sewer and water fund accounts into one checking account. Motion carried by voice vote.

- **Sewer Fund Payable to General Fund:** There was a time when the sewer fund did not generate enough income to meet expenses and funds came from the general fund in order to balance that account. It's an issue that has been cited by the auditors. The sewer fund is an enterprise fund which means it should support itself. President Schulz noted that this issue is part of the plan that is being sent to the State and Council's decision can also be a part of the plan. Michigan Rural Water (MRWA) is meeting with us during the next week and will be looking at water and sewer rates. During the rate study, the Investment Committee would like them to look at the possibility of having an additional \$50,000 in revenue to be able to pay off the \$423,000 debt. Treasurer Odom explained that an interfund loan by resolution would be developed and could be ready for approval at the next Council meeting. She stated that the Council also has the option of forgiving the debt.

Motion by Schulz, seconded by Bennett, that when the water/sewer rate study is done, we investigate and add \$50,000 additional to be repaid from Sewer to General Fund as those rates are calculated. Motion carried by voice vote.

- **Village Bank Accounts:** The Investment Committee reviewed current bank accounts and FDIC coverage. Current FDIC regulations provide insurance for up to \$250,000 in interest bearing accounts and \$250,000 in noninterest bearing accounts. President Schulz stated that although our banking institutions are stable, our funds are somewhat at risk since we are over the covered amounts.

Motion by Schulz, seconded by Drollinger, to move the general fund account from non interest to interest bearing, that major streets be moved from interest bearing to non interest bearing, that there be no change to either local street accounts, no change to cemetery and cemetery PC accounts, no change to the dam debt service account, no change to savings or CD accounts and that sewer and water accounts be moved to another financial institution with the allocation to be determined. Motion carried by voice vote.

9. New Business:

- Paddle Antrim & Water Trails Update:** Deana Jerdee representing Paddle Antrim updated Council on the Chain of Lakes water trail project. They are still working on identifying sites that could be showcased on the trail map. The Village has already chosen which sites they would like to see on the map. From the sites chosen, the group will be able to determine which routes will be good for different levels of kayaking, from beginner to advanced. They hope to have the trail plan completed by this fall. Their goal is to connect this trail with several communities. They have hired Land Information Access Association (LEAA) to assist with writing the water trail plan. LEAA is planning on coming to the communities to provide a site assessment for the trailhead stops and speak with community leaders. They are asking for a contact person, a date and time that would be good for them to come to Bellaire. Ms. Jerdee said they are going to be in the other communities on July 20, 2016 and if possible would like to come to Bellaire on the same day. Members of the Parks Committee scheduled the visit for July 20, 2016 after 2:00 pm.
- Bellaire Chamber of Commerce Request:** The Chamber of Commerce is seeking permission to apply for a Special License from the LCC to have a hospitality tent as a part of their block party during the Paddle Antrim event at Richardi Park to be held on September 15, 2016 from 1-3 pm. It will be open to paddlers that are of age and the Chief sees no problem with allowing the tent. The Chamber is also seeking permission to apply for a Special License for Consumption of Beer at the approved location by the Bellaire Food Pantry on Saturday, September 24, 2016 from 11-6 in support of their Harvest Festival. Trustee McPherson asked the Chamber to be considerate of patrons that may be entering the Food Pantry during their open hours. President Schulz asked Council to visit Paddle Antrim's website and look at some of the positive things they are providing for communities.

Motion by McPherson, seconded by Schulz, to approve the Chamber of Commerce request to apply for a special license from the Liquor Control Commission to have a hospitality tent during the Paddle Antrim event. Motion carried by voice vote.

Motion by Schulz, seconded by McPherson, to approve the Chamber's request for application of a special license for a beer tent to be located by the Bellaire Food Pantry with the Chamber looking at access for food pantry patrons needing to get in, with the date being Saturday September 24, 2016 from 11am-6pm. Motion carried by voice vote.

c. DDA Boundaries:

- **Sharon Unger:** Mrs. Unger presented a copy of the DDA Pubic Act and shared some information that she would like us to take into consideration when looking at the potential boundary expansion. She referenced the definition of business district and stated that it must be zoned as a business district according to the Act. She also referenced the definition of downtown district. She stated that the downtown district is what was set as the DDA boundaries. She stated we are not allowed, according to the Act, to expand the boundaries beyond what the business district is zoned in the Village. She said the boundaries already include our entire business district. She said we are unable to expand unless we rezone the potential expanded boundaries as a business district. She also stated that our present boundaries are outside of the business district and are not in compliance with the Act. She also said anything outside the boundary cannot legally receive funding until corrected. She stated the Act includes what the Council would have to do to change boundaries and what needs correcting. President Schulz directed the clerk to speak with our attorney concerning the matter.
- **Book Box-Library:** The Bellaire DDA & the Bellaire Public Library would like to place a mailbox size box on a post in the pedestrian walkway next to the Bellaire Bar. The public would be able to take and replace books to read as they please. The box would be within the Village easement and both buildings surrounding the path supported the idea

Motion by Bennett, seconded by McPherson, authorizing the Bellaire DDA & Public Library to place the book box within the boundaries of Mr. Lange's property. Motion carried by voice vote.

- d. Car Show Request-Ron Damer:** Mr. Damer will be hosting a car show in the 4Front Credit Union parking lot where the ATM machine is located. He will just use the parking lot unless entries exceed the allotted area, then he would like permission to close Thayer Lane from Broadway to Court. It was noted that this may be on the same day as the senior picnic where permission to close Thayer Lane from Maple St. to the end of the Area Senior parking lot has already been approved. Mr. Damer was not in attendance to verify the date of the event, but staff will contact him for that information.

Motion by Drollinger, seconded by Schuckel, to approve the closure of the alley between Broadway and Court St. for the car show if needed. Motion carried by voice vote.

- e. Gaming Resolution-Community in Action (CIA):** Katie Verellen explained that this group mainly consists of parents whose children are in the Bellaire School District, basically naming it a PTO for the high school. They are a nonprofit organization. They are working to support the students and teachers at the high school level. They want to hold a cash raffle to begin earning funds to support programs in need. To do this, the local governing body must approve a gaming resolution supporting the group and event. This is a requirement from the State of Michigan Charitable Gaming Division.

Motion by McPherson, seconded by Bennett, to approve Resolution #15 of 2016, a Charitable Gaming License for the Community in Action. Motion carried by roll call vote. Ayes: McPherson, Bennett, Drollinger, Schuckel & Schulz; Nays: None; Absent: Ciganick & Hardy.

f. Zoning Issues:

- **Zoning Ordinance Amendment Request:** Jan Clark from Ruthie's Dairy Twist is requesting an amendment to the zoning ordinance to allow her to display her swooper flags from May to October. She said they are currently allowed for only 15 days. President Schulz explained one way to amend the ordinance is to have Council direct the Planning Commission to review the section in question. He stated that Subway and the BP gas station have swooper flags that are also in violation. Clerk Luckett said they are not considered signs, they are advertising devices. She said she received a complaint about the flags from a local business owner in the downtown business district. She explained the intent of the flags was to allow for 15 days for grand openings or for special events. She also explained that she was going to address the flags at Subway and the BP gas station with a letter but had not gotten to it yet. Discussion occurred about signs and allowed square footages. Trustee Drollinger would like to see the ordinance amended but would also like to restrict how many are allowed and the amount of time they can stay up. Chief Drollinger suggestion that Council take no action on this. He suggested letting the Planning Commission review it first. Treasurer Odom reminded Council that the ordinance is not amended at this point, so the ordinance that was just approved needs to be administered. President Schulz read the section pertaining to the flags and interpreted it to allow the flags for 15 days take them down for a day and then put them back up for another 15 days. He did state that there are some limitations in the ordinance pertaining to garage sales, but there is no set limitations pertaining to flags.

Motion by Bennett, seconded by Drollinger, to refer this issue to the Planning Commission for review. Motion carried by voice vote.

- **Fence:** This pertains to a fence permit application on property adjacent to the walking path with the issue being the rear boundary line. Clerk Luckett presented a description of the issue and a map depicting the properties. She explained that under the current ordinance she is not allowed to issue a permit for a fence that is encroaching in the right of way. Clerk Luckett explained that the right of way is 100', 50' on each side of the walking path, and showed the applicant the potential right of way location. She said she has been unable to find a survey on file. The closest thing completed to roughly determine the location of the boundary lines was an overlay of the railroad right of way completed by Julie Weston at the county equalization department. Clerk Luckett said the applicant is willing to move the fence so it is at least 45' from the edge of the walking path. The owner has also stated that the only posts that will be cemented will be the ones closest to the house. Clerk Luckett told Council members she wanted them aware of the situation if a permit for the fence is approved. Previous Council's had allowed trees to be planted in the right of way and there is a zoning permit that authorized a side yard fence that encroaches in the right of way. Trustee Drollinger stated she remembers the trees but doesn't remember the fence that is currently up and said it should not have been allowed. Trustee Bennett said we need a survey of the property. Clerk Luckett said it would be helpful, but costly. Trustee Drollinger asked if we want a survey completed so we know the fence is on their property. President Schulz noted that anyone who puts up a fence would need to know where the lot lines of their property are located. Trustee Drollinger said it is the homeowner's responsibility to know where their lot lines are located and if they don't, a survey should be completed. Trustee Bennett agrees. If they can't determine the location of the property line, they need to have a survey completed.
- g. Invasive Species:** Heidi Shafer from the Antrim Conservation District recently visited the Village compost pile and found a large amount of Japanese knotweed. In her notes presented to Council, it is illegal to transport, it's highly invasive and she will be requesting financial assistance to treat it. President Schulz noted that this is discussion at this point. We do not have any information on treatment options or the cost to treat it. President Schulz would like to get more details as soon as possible so if the live plants can be eradicated before they go to seed, money could be saved. He also stated that we should post a temporary sign disallowing the use of the compost due to

contamination of invasive species. Trustee McPherson stated that we may not want anyone to use the compost for awhile as the chemicals to treat it may affect what homeowners are planting. It was noted that more information about treatment is needed.

Motion by Drollinger, seconded by Bennett, to allow the Village President to take care of whatever needs to be done and agree with whatever Heidi Shafer needs to do at a cost not to exceed \$200. The motion further states to have Heidi Shafer put together an action plan for eradication. Motion carried by voice vote.

h. Administrative Committee Recommendations:

- **Staff Meeting Schedule:** President Schulz explained that as part of the new review process, having staff meetings was suggested. They had their first organizational meeting this morning. He would like Council members to look at the schedule and decide which meetings they could attend to allow Council members to be better educated and to be a part of the communication process. Please review the dates and provide a list of those Council members who can attend to Clerk Luckett or Treasurer Odom.
- **Workman's Comp Policy:** The Administration Committee has been working on Policy #29, a Workman's Comp Policy. President Schulz noted that we currently do not have a formal policy in place and it includes forms required from our workman's comp provider. It provides for regulations when an employee is off due to workman's comp. The committee is recommending its approval.

Motion by Schulz, seconded by Bennett, that Policy #29, the Workman's Compensation Policy be adopted. Motion carried by voice vote.

President Schulz informed Council that the Committee is also looking into Hepatitis B testing and vaccinations for the police and DPW departments due to their potential contact with blood borne pathogens. Chief Drollinger is researching this for the committee.

- i. 215 N. Maple-Habitat for Humanity:** The Village purchased this property several years ago, it's been on the market for awhile and there have been no interested buyers. Trustee Drollinger suggested gifting it to Habitat for Humanity for them to build a home, creating future tax revenue.

Motion by Drollinger, seconded by Schulz, to explore the legalities of transferring 215 N. Maple St. to Habitat for Humanity. Motion carried by voice vote.

- j. Health Department Irrigation Meter:** The health department purchased an irrigation meter, had it installed and after the first reading, it was determined that it was installed incorrectly on the line. The plumber is asking us to just deduct the usage from the regular meter so it doesn't have to be corrected. Mr. Stead stated it makes more work for the office, with Trustee McPherson stating it should have been installed correctly and should be fixed. Trustee Drollinger agrees. Connection of meters was discussed and no action was taken.

- k. Richardi Park Rental Refund Request:** President Schulz explained that he was contacted by phone from a person who rented the park pavilion. The renter explained that the bathhouse was not yet open for the season and this was not explained to him. He would like a refund. Treasurer Odom said the registration forms explain that the park rental fee is non refundable. President Schulz suggested he write a letter to Council. So this doesn't happen again, rental options were discussed.

Motion by McPherson, seconded by Bennett, to approve the refund of the park rental. Motion carried by voice vote with one abstention. Ayes: 4 Abstentions: Schulz.

- l. Customer Sewer Adjustment-Leak:** A customer, located at 5937 E. Fourth St., left a hose with a spray nozzle on during the weekend and the hose burst open causing a leak creating a large sewer bill. The water didn't go into the sewer and she is requesting a credit on the sewer portion of the bill. The credit will be based on 18,000 gallons and will be \$92.81.

Motion by Drollinger, seconded by McPherson, to approve the credit of \$92.81 for a leak that did not go into the sewer. Motion carried by voice vote.

- m. TruGreen-Soccer Park Grub Control:** A letter was sent by TruGreen discussing grub control and included a cost for treatment. This may just be an advertisement, but because it was presented with a cost quote, Treasurer Odom thought Council should review it. DPW Supervisor, Ken Stead, was not aware of a problem with grubs at the soccer park. No action was taken.
- n. Budget Amendment-Sewer Curtain:** President Schulz explained that one of the things as a result of the SAW Grant that addressed the sanitary and sewer systems of the Village was to prioritize repairs. One thing that needs to be done is to replace one of two sewer pond curtains. The thought is to purchase the pond curtain this fiscal year due to estimated revenues exceeding estimated expenditures. According to the SAW grant study, the estimated cost of the curtain includes engineering and installation, so the exact amount of just the curtain is unknown. President Schulz noted that we have until the end of the fiscal year to get this done, so we can obtain the cost of just the curtain and bring it back to the next meeting. Treasurer Odom informed Council that she spoke with the engineer and he recommends keeping it with the bigger project because sometimes bundling items together creates a better cost.
- o. Utility Bill Refund-115 N. Beech:** 115 N. Beech St. is going to be renting her property and the water account currently has a credit balance. She is asking if we will refund that credit balance if she rents the property. There is currently nothing in the ordinance or rate resolution that addresses account credit balances. It was noted that we have never issued refunds and Council suggests working out the details of the credit with the renter. No action was taken.
- p. Trees-903 Green Acres:** Mr. Stead explained the owner of this property was having some trees that are located on the walking path removed because they were dead and hanging over her shed. She didn't want them falling on her shed. She is wondering if the Village would help with the cost of removal because they are Village trees. Mr. Stead explained that if she would have approached the Village sooner, the trees would have been put on our list for removal. We currently do not know the cost of the tree removal. President Schulz said we should table this until the cost for the removal could be obtained. He also would like to research the Village's liability in this type of incident.

10. Discussion Items:

- a) Harbor St. Canal-Antrim Conservation District:** An email from Heidi Shafer explains that a grant that would help with cleanup and restoration of the Harbor Street canal was not approved. They would like to try again. A gentleman will be contacting her at a later date this summer to research that possibility. No action is needed at this time other than us indicating that we would be supportive of that.
- b) Public Hearing-Kearney Twp. Zoning:** We received a letter informing us of a Kearney Township public hearing regarding a possible change to a portion of the township zoning ordinance. The public hearing is scheduled for July 18, 2016 at 7:00 pm if anyone is interested in attending. They are looking to add a commercial district to the current manufacturing district by combining the two districts on Derenzy Rd. The current commercial district will remain unchanged.

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. Mr. Stead explained that we are required to have bridge inspections every two years. We were told that starting this year we need to have them inspected under water. The cost is \$4,000 and it is not budgeted for. Time frame for completion was discussed with Mr. Stead noting that the dive team is available within the next couple weeks. President Schulz asked if there was a provision for department heads to take action in an emergency decision and it was noted that there is nothing in place at this time. President Schulz stated that it should be something to look at and enable. He said meeting government requirements is a nonnegotiable thing that has to be done. He would verbally be good with having Mr. Stead get this done and the budget amendment can be completed at the next meeting.
- e) **Police Department:** Chief Drollinger informed Council that traffic has been busy in the Village. He also said that Short's has rented the pavilion and they are inquiring if they can drink outside the pavilion or if a fence needs to be put up. Trustee Drollinger said she didn't think they designated just the pavilion area for alcohol. Trustee McPherson stated the area should be controlled and it seems like they should still have to put up a fence. He said you don't want someone who playing on the swings and have someone who is consuming alcohol approach the area. The Chief said he could still have them put up a fence.

12. Closing Member/Public Comment:

- **Trish Drollinger:** asked about the status of the Fischer Property. Trustee McPherson said he did see them working on it.
- **Dan Bennett:** asked about the possibility of having a dog park. It was noted that this was previously discussed and then dropped due to potential disease and concerns about who would clean it. Chief Drollinger said he received a vicious dog ordinance from a concerned resident but issues in that ordinance are covered in the county ordinance. Trustee Bennett also informed the Council that Bellaire is ranked in the top 24 best places to visit.
- **Sharon Unger:** Mrs. Unger said she is curious about a circular being passed around that says something about the Village wanting to rent their property for the Village offices and wondered if this were the case. President Schulz said it is not the case. President Schulz also thanked her for her presentation on the DDA.
- **Al Odom:** Mr. Odom wanted to let Council know that he agrees with having a required survey for items that deal with property lines.

13. Adjourn: Meeting adjourned at 9:07 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____