

**Bellaire Village Council
Meeting Minutes
December 7, 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, Eldon McPherson, David Ciganick, Bryan Hardy, Trish Drollinger and Helen Schuckel.
 - Absent:** None
 - Staff Present:** Cathy Odom, Treasurer, Lori Luckett, Clerk & Chief Bill Drollinger.
 - Also Present:** Tom LaPointe, Don Hoyt, Mr. & Mrs. Murray, Mr. & Mrs. Cruse, Ed Niepoth, Patty Savant, Scott Kruger, Don Seman, Rolland Fink, Sarah Christensen & Hannah Sanderson.
4. **Approval of Agenda:** The agenda was approved with the addition of new business item k, Coastal Green Landscape Scale Restoration Overview and item l, Cemetery Marker.

Motion by Schuckel, seconded by Bennett, to approve the agenda for December 7, 2016 with the addition of new business item k, Coastal Green Landscape Scale Restoration Overview and item l, Cemetery Marker. Motion carried by voice vote.
5. **Conflict of Interest:** Trustee Drollinger noted her conflict with new business item d, handbook amendment-additional compensation, President Schulz noted his conflict with new business item c, metering manhole and Trustee Hardy noted his conflict with old business item e, parks committee recommendation-warming station.
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.
8. **Old Business:**
 - a) **Ordinance #3 of 2016, DDA Boundaries:** This is a correction to the boundaries of the DDA.

Motion by Bennett, seconded by McPherson, to approve Ordinance #03 of 2016, amending the DDA boundaries. Motion carried by roll call vote. Ayes: Bennett, McPherson, Ciganick, Drollinger, Hardy, Schuckel & Schulz.
 - b) **Ordinance #4 of 2016, DDA Development & TIF Plan:** This ordinance is required for the DDA. The plan has been updated with corrected boundaries, project time frames and total projected capture. The County has opted out, but will work with us on developing an agreement listing the projects they will approve.

Motion by Bennett, seconded by Schuckel, to approve Ordinance #04 of 2016, the Development and TIF Plan for the DDA. Motion carried by roll call vote. Ayes: Bennett, Schuckel, Ciganick, Drollinger, Hardy, McPherson & Schulz.
 - c) **Resolution #18 of 2016, CRD:** The following motion was made on Resolution #18 of 2016.

Motion by Ciganick, seconded by Schulz, to approve Resolution #18 of 2016, establishing a Commercial Rehabilitation District. Motion carried by roll call vote. Ayes: Ciganick, Bennett, Drollinger, Hardy, McPherson, Schuckel and Schulz.

President Schulz asked Council for permission to email Mr. Garwood informing him that the Council approved in favor of this District so that they have the ability to respond and or affirm at their meeting tomorrow morning.

- d) **Resolution #19 of 2016, IDD:** The following motion was made on Resolution #19 of 2016.

Motion by Drollinger, seconded by McPherson, to approve Resolution #19 of 2016, establishing an Industrial Development District. Motion carried by roll call vote. Ayes: Drollinger, McPherson, Bennett, Ciganick, Hardy, McPherson, Schuckel & Schulz.

- e) **Parks Committee Recommendation-Warming Station:** Trustee Drollinger said Mr. Lockwood attended the Parks Committee meeting and discussed what they would like to see at the park once the ice rink is in place. They discussed the use of tarps for a wind block, the use of propane heaters, music, extra lighting, storage for some of their equipment in the old bathroom and a porta john which will be at their expense. All of this will be supervised by adults. They are hoping to be there from 5-8 pm on Friday and Saturday nights. Trustee Drollinger also noted this is something they are doing for the entire community, not just a particular group. Mr. Lockwood explained that after doing some more thinking about locations of things, he would rather not use the pavilion due to its proximity from the rink. Instead he would like permission to place a 12 x 12 or 10 x 20 canopy on the second cement slab. It would be fire retardant and they will use a propane heater to heat it. The propane used for the heater will not be left under the canopy. He would also like to use a picnic table and lay some fire retardant indoor/outdoor carpeting so there is a place to change into skates. He said the music will be appropriate. He explained that this is intended for use by the community, but there have been some discussion with Shanty Creek. He explained that discussion may be needed about opening it up to anyone or to keep it for residents only. President Schulz asked Mr. Lockwood to speak with Chief Drollinger about propane safety, the availability of a fire extinguisher and a first aid kit. Chief Drollinger also asked if they could keep in contact with the neighbors to make sure the music is not bothersome. Mr. Lockwood also said he was thinking about using a 7-9/9:30 pm time frame. Discussion of the hours took place since the time frame changed from the original request. The Council discussed expanding it from 5-9 pm, but would not like it much past 9 pm. The placement of a trash can in the area was also discussed.

Motion by Ciganick, seconded by Drollinger, to allow for the temporary placement of a canopy, music, lights, the use of the storage shed, the placement of a trash can and to approve the use and location of a porta john. Motion carried by voice vote with one abstention from Trustee Hardy.

- f) **Fixed Asset Sale-Tractor/Old Plow:** President Schulz explained the Treasurer solicited other entities about their fixed asset sales. Treasurer Odom explained there is nothing that dictates specific regulations on the sale of fixed assets. The only thing that is recommended is that Council make a motion to approve the sale, how to sell it; name the equipment for sale and the means we will use to sell it.

Motion by Bennett, seconded by Schulz, to authorize the DPW Supervisor and the Treasurer to place an ad for the excess used equipment, namely the tractor and 1984 International plow truck on Craigslist, on the website and on the Village social media page, stating that the equipment is sold as is and with the right to refuse any given offer. Motion carried by voice vote.

- g) **DOL Regulation Update:** President Schulz informed Council that a federal judge placed an injunction on the new overtime regulations. This will force the new law to be challenged and litigated, with no idea when it might be resolved. He explained that we did put flex time in place to help avoid overtime when the Clerk and Treasurer were changed to hourly, but he would like to recommend that they remain salaried.

Motion by Schulz, seconded by Bennett, to reconsider the action taken at the last meeting pertaining to the new overtime regulations. Motion carried by voice vote.

Motion by Schulz, seconded by Bennett, to maintain the Clerk and Treasurer positions at a salaried position. Motion carried by voice vote.

- h) **Glacial Hills Plowing-Parking Lots:** Trustee McPherson said he spoke with the staff at the staff meeting and they noted that there is only one truck that can do the job of plowing those parking lots. He noted that once the snow melted, someone would have to take care of the gravel that was dug up. He also reminded Council of the cost to the Village to plow them for the winter and he is

concerned about the cost to the residents. President Schulz suggested Council consider donating a dollar amount to help with the cost of them hiring someone and it could be considered our support for the trail system. Trustee Ciganick stated our responsibility is to the residents of the Village of Bellaire and we have enough expenses already and wonders why we would consider an expense from outside the Village. President Schulz noted that by providing some funding for plowing, it would allow our residents access the trails, maintaining the recreation activities for our Village residents.

Motion by Bennett, seconded by Schulz, to approve a \$250 a month for the next four months with the amount to come from the general fund. Motion carried by voice vote with one abstention by Trustee Ciganick.

9. New Business:

- a. **Resolution #20 of 2016, Opt Out:** This is an annual required resolution should Council desire to opt out of PA152. This pertains to an 80/20 split, a hard cap or an approved opt out option for employee health care. We have previously chosen to opt out of PA152.

Motion by Schulz, seconded by Bennett, to approve Resolution #20 of 2016, opting out of PA152. Motion carried by roll call vote. Ayes: Bennett, Ciganick, Drollinger, Hardy, McPherson, Schuckel & Schulz.

- b. **Election Day Flags:** President Schulz informed Council that he received a call from someone who asked why we did not have our flags on the light posts on Election Day.

Motion by Schulz, seconded by Bennett, to include Election Day as a day to place the flags on the light poles. Motion carried by voice vote.

- c. **Metering Manhole Bids-Meadowbrook:** President Schulz turned the gavel over to President Pro-tempore Bennett. Trustee McPherson explained that a probe in the temporary meter that is used to determine usage for billing is failing. Discussion of whether to replace the probe at a cost of approximately \$800 or to read the meter as previously done before the temporary meter occurred. It was also noted that the bid for the installation came in about \$35,000 more than the \$20,000 that was budgeted. A motion was made by McPherson to accept the bid but failed due to a lack of a second.

Motion by Drollinger, seconded by Ciganick, to rebid the project with a bid deadline of February 1, 2017 and with a project completion date of June 1, 2017. Motion carried by voice vote with one abstention from President Schulz.

Motion by Drollinger, seconded by McPherson, to determine the usage for billing Meadowbrook in the manner previously done. Motion carried by voice vote with one abstention from President Schulz.

- d. **Handbook Amendment-Additional Compensation:** President Schulz informed Council that additional compensation for the employees was missed during the rewrite of the employee handbook. This raises the question of whether to put it back in the handbook.

Motion by Schulz, seconded by Hardy, to reinsert the verbiage for additional compensation into the handbook. Motion carried by voice vote with one abstention from Trustee Drollinger.

- e. **Elevator Maintenance Company & Contract:** Our current vendor has been bought out by Otis Elevator Service. Treasurer Odom explained that the new company requires a contract for service. It is a five year contract that automatically renews unless written notice within 90 days of contract end is provided. The cost for quarterly maintenance stays as it currently is, but they have the option to review rates annually. The annual no load test is several hundred dollars more than what we paid with the previous company. We are also required to do a five year load test. Our attorney recommends that we do not enter into a contract for more than one year. We had difficulty removing ourselves from a prior contract when the township was here, which is why this contract has to be determined to be in the Village's best interest. Council consensus was to research other

companies and to pursue a one year or two year contract. They would also like to pursue a one year contract with Otis. Tabled for further review.

- f. **Charter Spectrum Franchise Contract:** President Schulz informed Council that the franchise agreement with Charter Communications is up for renewal. The local entity can choose up to 5%

Motion by Schulz, seconded by Bennett, to renew the agreement with Charter Spectrum with the existing percentage and numbers in place. Motion carried by voice vote.

- g. **ZBA Appointments:** The ZBA terms for Trustee Bennett and Leslie Meyers expired November 15, 2016 and both are interested in renewing their terms. Trustee Bennett is the Council liaison for the ZBA. If approved, their terms will end November 15, 2019. President Schulz is recommending their reappointments.

Motion by Hardy, seconded by Drollinger, to approve the reappointment of Trustee Bennett and Leslie Meyers to the ZBA with their terms ending November 15, 2019. Motion carried by voice vote.

- h. **PC Appointments:** The Planning Commission terms for Trustee Bennett and Bill Drollinger expired November 20, 2016 and both are interested in renewing their terms. Trustee Bennett is the ex-officio member for the Council. If approved, Trustee Bennett's term will end at the end of his Council term, November 20, 2020 and Mr. Drollinger's term will end November 30, 2020. President Schulz is recommending their reappointments.

Motion by McPherson, seconded by Schuckel, to approve the reappointment of Trustee Bennett and Bill Drollinger to the Planning Commission. Motion carried by voice vote.

- i. **Water/Sewer Bill-Craven Park:** Treasurer Odom explained when the DPW chlorinated the water system they used Craven Park as the flushing station. This created a large bill for Craven Park, not only sewer, but for water as well. She is recommending that Council approve an adjustment to the bill for both water and sewer because Craven Park did not actually use all of the water and should not have to pay for the flushing of the entire water system. The credit would total \$552.53.

Motion by Ciganick, seconded by Drollinger, to approve the adjustment of the water/sewer bill for Craven Park creating a credit of \$552.53. Motion carried by voice vote.

- j. **Meeting Per Diems:** President Schulz explained that we had several meetings tonight and in the past we have minimized the impact to the budget by counting them as one meeting. He would like to know if Council wants to continue that. He also stated that when special requests come in that require meetings, for example, CRD's & IDD's, that they count as separate meetings. We will discuss a fee schedule for these types of requests further on the agenda. Trustee Drollinger would like to review what other entities are paying their Trustees.

Motion by Drollinger, seconded by Bennett, to treat all meetings this evening as one meeting. Motion carried by voice vote.

- k. **Coastal Green Landscape Scale Restoration Overview:** President Schulz informed Council that he and Clerk Luckett met with a representative from the Watershed Center and explained their discussion. He said the work completed for this project would identify the location of Village tree canopies on public property that is in the area of any water. This will deal with water quality. We would receive information of critical areas down to areas that are not so critical. The cost to us would be in kind, in the amount of \$1,500 and used to offset expenses. The 50 trees are paid for by them. We would have to assemble volunteers for planting the trees and facilitate training modules. President Schulz also said the representative explained that there were funds to help with developing a tree inventory. President Schulz noted that our new GIS mapping program would allow us to map the location of all our trees. Clerk Luckett informed Council that volunteers are charged at a rate of \$20 per hour, they will be the ones that plant the trees with supervision from the DPW.

Motion by Hardy, seconded by McPherson, to authorize the Village President to sign the Memo of Understanding between the Village of Bellaire and the Watershed Center Grand Traverse Bay. Motion carried by voice vote.

- 1. Cemetery Marker:** President Schulz explained that this past summer one of the mowers damaged a marker at the cemetery. They would like it repaired or replaced. Treasurer Odom explained that it is a bronze plated marker. She said she spoke with Gary Mortensen and he will take a look at it and provide a quote. She also explained the in looking at the costs online; it may be about a \$1,000 expense.

Motion by Drollinger, seconded by Schuckel, to replace the marker and turn the claim into the insurance company. Motion carried by voice vote.

10. Discussion Items:

- a) Fee Schedule:** President Schulz explained that he asked staff to research if fees for special requests, such as the CRD and IDD, can be placed in our fee schedule. It is an allowable option and Council is directed staff to put together a proposal of fees for consideration at the next meeting.
- b) BSBL Invoice:** Anissa Bitner called the office to let us know that they are unable to pay for the lock invoice until the spring.

11. Department/Committee Reports:

- a) Committee Reports:** Committee minutes were included in packets for review for those committees that have met.
- b) Clerk/Planner:** Nothing presented.
- c) Treasurer/Deputy Clerk:** None presented.
- d) Department of Public Works:** Nothing presented.
- e) Police Department:** Chief Drollinger is seeking a grant from the Tribe for their police reporting software. Several communities in the area have banded together to apply for the grant. They are asking for \$3,500 per agency.

12. Closing Member/Public Comment:

- **David Schulz:** It is budget time so committees should start to plan their meetings to discuss their budgets.
- **Dan Bennett:** Trustee Bennett asked what kinds of trees would be planted with the grant and President Schulz explained that review of the canopies would determine type and location of the plantings.

13. Adjourn: Meeting adjourned at 8:40 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____