

**Bellaire Village Council
Meeting Minutes
March 7, 2018**

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

2. **Roll Call Attendance:**

Present: President David Schulz, Council Trustees Dan Bennett, David Ciganick, Bryan Hardy, Eldon McPherson, Trish Drollinger and Helen Schuckel.

Absent: N/A

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

Also Present: Tim Reicha, John Sych, Margie & Pat Boyd, Terry McBee & Bradley Keiser.

3. **Approval of Agenda:** The agenda was approved.

Motion by Schuckel, seconded by Bennett, to approve the agenda with the additions of old business item c, water, sewer ordinance-late fees; item d, paid leave request and new business items m, CIA Update, moving it up to item b on the agenda and item n, Resolution #13 of 2018, RRC & Training. Motion carried by voice vote.

4. **Conflict of Interest:** Trustee Drollinger noted her conflict with old business item d, the paid leave request.

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

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

6. **Public Comment on Agenda Items:** None presented.

7. **Old Business**

a) **Boot/Coat Allowance:** There was discussion about broadening the items that could be purchased with this allowance. Mr. Stead said the DPW employees would like to be able to purchase jeans and shirts or sweatshirts. Discussion of items needed for public safety officers with Chief Drollinger stating that they would be in need of boots at a maximum cost of \$150. President Schulz said any shirts or sweatshirts that are bought should have the Village of Bellaire embroidered on it to make sure it is something work related.

Motion by Schulz, seconded by Bennett, to move that for DPW, \$250 per year be inclusive of jeans, coveralls, t-shirts & sweatshirts with the provision that the Village of Bellaire is embroidered on said t-shirts or sweatshirts and then for the Public Safety Department an allowance of \$150 a year per public safety full time staff member for boots. Motion carried by voice vote with one abstention from Trustee Drollinger.

b) **Compensatory Time in Lieu of Overtime:** President Schulz explained that the attorney reviewed the regulations on overtime for salaried employees. He said there are three exceptions to paying overtime. One is whether the position is administrative or executive. Another is whether the employee supervises more than two or three people. The other thing is whether the supervisor spends the majority of his time directing, supervising, managing, scheduling, or actually in the trenches doing the work. President Schulz said he would like to meet with the attorney and the Clerk to review the job description as it is more detailed than it used to be. He also said he may ask the supervisor to write down, in a typical work week, the percentage of time he works where. This information may help with a final decision on whether employees should be hourly or salary. Mr. Stead cautioned that the last time this was brought up the attorney was mistaken on his findings and that he is not a labor attorney. President Schulz said he does have another source for information. This was tabled for further research.

- c) **Water/Sewer Billing Late Fees:** Council discussed options for waiving penalty fees for payments that were received late due to problems at the post office. This stems from a late payment received after the due date, but was post marked two weeks prior. Accepting post marks was discussed as well as the amount of water/sewer bills received by or right after the due date. It was also noted that the staff sends out 60-70 shut off notices per month which brought up the amount of time it would take to remove penalties if post marks were accepted. The ordinance currently states that after the due date, a 5% penalty is added and this is the same for any account that becomes past due. President Schulz said that we can address this on a case by case basis and not change any procedures. Council agreed and no further action was taken.
- d) **Paid Leave Request:** Chief Drollinger was not able to use nine (9) hours of his paid leave time during the year and doesn't want to lose them. He is asking Council to allow him to roll them over to this year.

Motion by Schulz, seconded by Bennett, to approve the rollover of the nine (9) hours of paid leave time for Chief Drollinger. Motion carried by voice vote with one abstention from Trustee Drollinger.

8. New Business:

- a. **Antrim County Fair Board-Annual Report:** Mike Bertram from the Antrim County Fair Board presented the Fair Board's annual report. He explained that they are going to replace the water heater, the Boy Scout bench project is not working out, but they are still going to work on that, they are going to be cleaning up part of the 5K route, they will be working on an emergency plan and discussed using a portable fence for blocking off some areas during the Antrim County Fair, which the insurance company said will work. Another thing they are working on is replacing the sign at Craven Park. The cost will be approximately \$2,500 with the Board already having the majority of the funding. He presented the stats on the structure of the sign. Needing a permit was discussed, noting that he didn't know if one would be required. Trustee Drollinger asked if the sign was going to be placed on the stone pillars and it was noted that they would be. He said the company that provided the carnival last year will not be here this year. They are looking into other options. Parking for the Fair was also discussed and arrangements have already been made for this year's Fair.
- b. **Community in Action (CIA) Update:** Mrs. Boyd explained the status of the funding for the scoreboards they are trying to purchase for the Craven Park ball fields. She said they received a Great Lakes Energy People Grant for \$2,500, raised another \$2,500 and received an anonymous donation for \$5,000. This brings them to half of their goal. They did not receive the tribe grant that they applied for. They would still like to get the scoreboards installed this year so they seeking permission to be allowed to sell sponsorship or advertising panels for the scoreboards. They are also looking at providing some other projects at the park, which includes cleaning up backstop areas and possibly moving the concession stand to another area so it benefits both fields. She mentioned that if they don't raise the entire amount needed, they could downsize, but didn't want to do that. She said they are hoping to raise another \$5,000-\$10,000 with the sponsorships or advertisements. They are just in the beginning stages and wanted permission to do this before they moved forward. Trustee Drollinger asked where these advertisements would be placed, on the fencing or on the scoreboard. Mrs. Boyd said the plan is on the scoreboard, with the hope of using local advertisers first. Trustee Ciganick said this advertisement is located in many other communities and is all for it. If banners are sold, the location for them was discussed. Trustee Drollinger asked if we want to set parameters for the advertisements. President Schulz said they could measure the fenced area, come up with a plan for size and bring it back to Council for review.
- c. **USDA Community Hall Self Evaluation:** As part of the USDA loan process, we are required to provide a non-architectural barrier and accessibility self evaluation guide for the community hall. The clerk completed these documents and they are presented to Council for approval. President Schulz asked if the items marked no, will a plan of correction have to be done. Clerk Lockett said there is a accessibility transition plan and there are certain policies that will have to be developed, one of which

would be an evacuation procedure for people with disabilities. President Schulz said working with Leslie Meyers on this procedure may be helpful. There was discussion about TDD communication and Trustee Drollinger noted that a special device is not needed on hand.

Motion by Ciganick, seconded by Hardy, to approve the recorded self evaluation and the accessibility transition plan for the USDA for the facility and procedures. Motion carried by voice vote.

Networks Northwest Contract: President Schulz, before discussing the contract for Master Plan services, informed Council that networks northwest would like to form a Master Plan Committee so that input from several areas can be gathered. President Schulz recommends the establishment of a Master Plan Committee to include two members from Planning Commission/Village Council; three citizens-at-large; two with a business interest and two from a nonprofit and/or other public agency.

Motion by McPherson, seconded by Hardy, to form the committee. Motion carried by voice vote.

President Schulz explained that our attorney had an issue with the indemnification section of the original contract. He said the attorney's opinion is that the company must be held responsible for any negligence in the performance of its professional services and it does not as written. He explained that if the parties were reversed, being that the company indemnifies the Village from any damages caused by the acts and omissions, is the only way it makes sense. Clerk Luckett said according to our attorney, it is unusual to have an indemnification section in a service agreement to begin with. She said that it should be mutual at the very least. Mr. Sych, from Networks Northwest, said he will come back with this issue taken care of. Trustee Ciganick mentioned that under the draft plan narrative in the scope of the project, it states that they will work with Village representatives and other stakeholders as appropriate, and he noted the vagueness of that statement. President Schulz noted that we can have them amend the language in the contract, have them bring it back to Council for approval, or we can approve the president signing the contract subject to legal council's approval of the new language.

Motion by Schulz, seconded by Hardy, to authorize Networks Northwest to go back and review the indemnification verbiage, return to the Clerk, and subject to legal council's approval, have the Village President sign the contractual agreement between the Village of Bellaire and Networks Northwest, contract number 1559. Motion carried by voice vote.

- d. **Resolution #08 of 2018, Bond Counsel:** This is an annual resolution naming Miller, Paddock & Stone as the Village Bond Counsel for the FY2018-19.

Motion by Hardy, seconded by Schuckel, to approve Resolution #08 of 2018, naming the Village Bond Counsel for the 2018-19 fiscal year. Motion carried by roll call vote. Ayes: Hardy, Schuckel, Bennett, Ciganick, Drollinger, McPherson & Schulz. Nays: None.

- e. **Resolution #09 of 2018, Financial Depositors:** This is an annual resolution naming Alden State Bank, Huntington Bank and 4Front Credit Union as the Village depositors for the FY2018-19.

Motion by McPherson, seconded by Hardy, to approve Resolution #09 of 2018, naming the Village financial depositors for the 2018-19 fiscal year. Motion carried by roll call vote. Ayes: McPherson, Hardy, Bennett, Ciganick, Drollinger, Schuckel & Schulz. Nays: None.

- f. **Resolution #10 of 2018, Street Administrator:** This is an annual resolution naming Ken Stead as the Village Street Administrator for the FY2018-19.

Motion by Schuckel, seconded by Bennett, to approve Resolution #10 of 2018, naming Ken Stead as the Village street administrator for the 2018-19 fiscal year. Motion carried by roll call vote. Ayes: Schuckel, Bennett, Ciganick, Drollinger, Hardy, McPherson & Schulz. Nays: None.

- g. Resolution #11 of 2018, Cemetery PC:** This is an annual resolution to determine the amount of funding, if any, that will be placed into the cemetery perpetual care account. Because it is in excess of \$84,000, Council agreed that there are enough funds currently held in the account so zero dollars will be placed into this account for the FY2018-19.

Motion by Schuckel, seconded by Bennett, to approve Resolution #11 of 2018, determining the amount of funding for the cemetery PC account for the 2018-19 fiscal year. Motion carried by roll call vote. Ayes: Schuckel, Bennett, Ciganick, Drollinger, Hardy, McPherson & Schulz. Nays: None.

- h. Resolution #12 of 2018, Performance:** This is an annual resolution to allow for the Village to apply for state right-of-way use permits during the FY2018-19.

Motion by Hardy, seconded by McPherson, to approve Resolution #12 of 2018, performance resolution for the 2018-19 fiscal year. Motion carried by roll call vote. Ayes: Hardy, McPherson, Bennett, Ciganick, Drollinger, Schuckel & Schulz. Nays: None.

- i. Meeting Dates:** FY2018-19 meetings dates were presented for approval. It was noted that the July 4 holiday falls on the first Wednesday of the month so the meeting for that month is scheduled for Tuesday, July 3rd 2018.

Motion by Hardy, seconded by Schuckel, to approve the FY2018-19 Village Council meeting dates. Motion carried by voice vote.

- j. Village Council Rules of Procedure:** The Village Council Rules of Procedure are reviewed and approved annually. President Schulz stated that under Section 7, the rules should be reviewed and approved in December. Trustee Drollinger asked why would we do this in December and suggested that the language be changed to read March. President Schulz also noted that committee appointments, according to the rules, should be done in December of even numbered years.

Motion by Hardy, seconded by McPherson, to approve the updated Village Council Rules of Procedure. Motion carried by voice vote.

- k. Cemetery Contract-Mortensen Funeral Home:** This is an annual agreement with the only changes being the dates and the fiscal year.

Motion by Schuckel, seconded by Bennett, to authorize the Village President to sign the Village of Bellaire cemetery contract between the Village and Mortensen Funeral Home. Motion carried by voice vote.

- l. DDA Matters:** President Schulz explained that Mr. Irwin could not attend this meeting, but did inform Council that the DDA has engaged Crosshatch to function as a grant writing entity.

- m. Resolution #13 of 2018, RRC:** This is a resolution that will get us started in the process of becoming a redevelopment ready community (RRC). President Schulz said that the MEDC changed their criteria for grant funding for development projects. A new requirement is to have the RRC status if we want to have the possibility of receiving this type of grant funding. This will allow the MEDC to recognize that we are identifying the factors that will help their funding go as far as it can in our community.

Motion by Schulz, seconded by Hardy, to approved Resolution #13 of 2018. Motion carried by roll call vote. Ayes: Hardy, Bennett, Ciganick, Drollinger, McPherson, Schuckel & Schulz. Nays: None.

Part of the process for an RRC is to attend required training. The training is scheduled in Boyne City on May 24 and May 25, 2018. It is an all day session. President Schulz suggested Clerk Lockett attend and asked Chief Drollinger about his availability. Chief Drollinger said, as Planning Commission Chair, he would attend. President Schulz also asked any Council member to check their schedule to see if they can attend.

- 9. Discussion Items:** None presented.

10. Department/Committee Reports:

- a) **Committee Reports:** Committee minutes were included in packets for review for those committees that have met.
- b) **Clerk/Planner:** None presented.
- c) **Treasurer/Deputy Clerk:** None presented.
- d) **Department of Public Works:** None presented.
- e) **Police Department:** Chief Drollinger explained Council previously approved the purchase of reporting software from the County for public safety use in the amount of \$3,400. However, the money had to be returned to the Village as we have to be a part of their user group and cannot be billed for it. The intention of this software is for all County public safety entities to be using the same reporting software. Chief Drollinger would like to request that he still be allowed to keep this money in his budget in case they find a way that we can help with the cost of this software.

Chief Drollinger also noted an issue with parking along Park St. during sporting events at the school. He explained that with the parking on both sides of the street, the street is impassable by emergency vehicles. This has also caused an issue for the homeowners in that area being able to access their driveways. He is suggesting that parking be allowed on one side of the street only.

11. Closing Member/Public Comment:

- **Trustee Drollinger:** Trustee Drollinger asked if we found out whether the state or local municipality was responsible for the sidewalks on major streets. It was noted that according to Mr. Stead, we have always been responsible for the sidewalks. Trustee Drollinger asked if this will be on the schedule for this year. Treasurer Odom explained that the budget was approved with \$2,000 in it and it would be Council’s decision on which sidewalk will be repaired. The mapping is completed and the committee should meet to prioritize the repairs.

12. Adjourn: Meeting adjourned at 8:16 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____