

**Bellaire Village Council
Meeting Minutes
July 3, 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 David Ciganick, Eldon McPherson, Dan Bennett and Helen Schuckel.

Absent: Trustees Trish Drollinger and Bryan Hardy.

Staff Present: Cathy Odom, Treasurer.

Also Present: Terry VanAlstine, Colette Stanish, Linda Gallagher, Aaron Kirt, Brad Keiser & Steve Alger.

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

Motion by Schuckel, seconded by Bennett, to approve the agenda with the additions of new business item h, Cemetery Issues and item I, Tap In Application Extension. Motion carried by voice vote.

4. **Conflict of Interest:** Trustee McPherson noted his conflict with the Historical Society agenda items.

5. **Consent Agenda:** The consent agenda was approved with Treasurer Odom noting that the wages and transfers are not included due to the last pay period of the month being after the distribution of Council packets.

Motion by Ciganick, seconded by McPherson, to approve the consent agenda. Motion carried by voice vote.

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

7. **Old Business**

Job description & Handbook Amendments: The Administration Committee met to discuss comp and overtime pay for the DPW Supervisor position. For the position to be exempt, amendments to the job description and handbook had to be completed. The committee is recommending that they be approved. Changes to the job description include changing the classification of the job to an “executive” position instead of a management position and the addition of language giving particular weight to the Director’s suggestion and recommendation in the Council’s hiring decisions for DPW staff, with Council still reserving the right to make the final hiring decisions. Trustee Ciganick noted that he is apprehensive with the language as written. Particular weight opens up a gray area. Anytime a committee comes back to Council after studying something closer than what Council does at meetings, we’ve always followed their recommendation, but ultimately it is the Council’s right. The particular weight language made him a little uncomfortable. Trustee Bennett noted that he is just one person, but the language is open enough to meet our needs. President Schulz noted that this is language placed in the description by the attorney and means that part of his job responsibility is to have input and recommendations, but doesn’t mean that the committee has to take it.

Motion by Ciganick, seconded by Bennett, to approve the two changes to the Director of Public Works job description as recommended by the Administration Committee. Motion carried by voice vote.

The committee also reviewed the recommendation of counsel to amend the handbook sections relating to exempt/nonexempt employees. In Section 4-2, the definition of exempt was amended to read “executive” instead of “managerial.” The word “hourly” was also removed from the nonexempt definition. One other recommended change is the addition of “comp time not used shall be paid at the rate of 1.5 times the regular rate of pay.” The administration committee is recommending the approval of these changes.

Motion by Schulz, seconded by McPherson, to accept the recommendations from the Administration Committee regarding updates to the Bellaire Personnel Policy. Motion carried by voice vote.

8. New Business:

- a. **Employee Retirement:** DPW Supervisor, Ken Stead, rendered his retirement letter. He has worked for the Village for 42 years.

Motion by Bennett, seconded by McPherson, to reluctantly accept Mr. Stead's retirement letter. Motion carried by voice vote.

- b. **Chain of Lakes Water Trail-Letter of Support:** We received a letter from Patty Savant from the Bellaire Chamber of Commerce. She is on the Paddle Antrim Board and they are seeking a letter of support for the Chain of Lakes Water Trail. A draft of the letter was included in packets for review.

Motion by McPherson, seconded by Schuckel, to authorize the Village President to sign the letter in support of the water trail. Motion carried by voice vote.

c. **Historical Society:**

- **Lease:** It is time to renew the 2-year lease with the Museum. President Schulz noted that if the building is eventually assigned over to the DDA for operations, the contract will still be binding, but with the DDA instead of the Village. Trustee Ciganick asked if the ownership had to change for that to come into play. He said the DDA may operate it, but we would still own it. Trustee McPherson noted that the lease will have to reflect that Don Seman is now the President of the Historical Society. The change was noted and the lease will be amended.

Motion by Bennett, seconded by Schuckel, to authorize the Village President and Village Clerk to sign the lease between the Village of Bellaire and the Historical Society. Motion carried by voice vote with one abstention from Trustee McPherson.

- **Sign Request:** The Historical Society would like to add their name to the front of the building below where it says Village of Bellaire. Council tabled this requesting that they provide a sketch of what they would like done and what it would say.
- d. **Marsh Area-Marina:** A new homeowner located by the marshy area at the marina asked about the possibility of draining that area. Previously, there was a drain that would get plugged causing the area not to drain. Trustee McPherson used to own that property and explained that he would have to unclog it to get it to drain. It was noted that it is private property so Council can take no action on it. Trustee Bennett also noted that it could now be considered a wetland. Trustee McPherson said if they want to upgrade or replace it, then a permit may be required, but you can fix what is already there. President Schulz said he would relay the message to the homeowner that it is private property, but that he could talk to the property owners about doing something to get it drained. No further action was taken.
- e. **Meeting Space Request-Michigan Works:** Michigan Works! Service Center in Kalkaska is closing to walk in employment services. They are searching for meeting space in this area for appointment only customer service and is asking if space would be available in the community hall. It was noted that Michigan Works! is a nonprofit organization. Trustee Ciganick asked what would happen if their need to use the facility increased. It was noted that staff can monitor their use and inform Council if anything has to be reviewed.

Motion by Bennett, seconded by McPherson, to approve Michigan Works! use of the community hall, on an appointment basis, for people in the Bellaire area. Motion carried by voice vote.

- f. **Park Animal Paint Project-Quote:** The animals, spring toys, at the park that kids can sit and bounce on are in need of a paint job. We received a quote from the TBAISD graphic design instructor and they are willing to paint them for a cost of \$250. This would be for the cost of the paint and the purchase of gas cards for the students that do the work.

Motion by Ciganick, seconded by Schuckel, to approve the cost of \$250 for the painting of the spring toys at the park by the TBAISD students. Motion carried by voice vote.

- g. DDA Matters:** President Schulz updated Council on the status of the \$10,000 Rotary Charities Grant. Half of the funds are being used by a video production company. They will be interviewing residents and local government officials on the restoration of the community hall. The purpose of the video will be to promote fundraising efforts. The other half will be for an engineer to evaluate the condition of the building to determine if the project will actually be doable.
- h. Cemetery Issues:** President Schulz was contacted by the Schoof Family who had a complaint about the removal and replacement location of flowers at their family's cemetery lot. President Schulz met with them on Monday and provided some photos of the area to Council for review. President Schulz described what was depicted in the photographs. He then referenced the rules in regards to headstones and stated that in this particular case the headstone is on the eastern boundary of the plot, not the western boundary, as the rules require. The rules also state that flowers can be planted on the inside of the western placed headstone, which is why the flowers were relocated. The reason for the rules is to provide for ease of maintenance as they go around the objects on the plots. President Schulz then stated that there are other plots in the area that do not conform to the rules. He said he explained to the Schoof Family that the mower can have difficulty getting through due to obstacles. President Schulz noted that there is an emotional sensitivity in situations like this. President Schulz said his thoughts were that the mower could still get through what is currently there. Mr. Alger, who maintains the cemetery for the Village, said that it is true but the issue is that this grave runs east/west and by the rules the plantings should be 18" over the vault behind the stone. The rules also state that all footstones are to be flush with the earth so the mower can go right over them. This situation is basically a headstone that it is in the wrong location and a footstone that is not flush with the earth. The other stone, where the flowers were moved, is a family stone that is in a footstone location. Mr. Alger said he believes the Village needs a commonality throughout the cemetery. He explained there is only an efficient way to mow, not a fast way to mow and by having everyone follow the rules, we have that commonality, which helps with the efficiency. President Schulz noted that when they bought the lot, they were in compliance with the rules, with Mr. Alger stating that the rules change. Discussion of who places the stones occurred. Mr. Keiser explained that Mortensen's Funeral Home will have to be contacted to make sure they have a copy of the rules, which will ensure that the placement of headstones and footstones are done correctly. Mr. Keiser also explained that it isn't really fair to compare one site to another because in the process of improving the efficiency of maintenance, we have to start somewhere and has to be done in sections. He also said that nothing done at the cemetery has been done maliciously. Mr. Alger said there are hundreds of non conforming sites. He stated that more signage, more enforcement of the rules and not allowing a waiver every time someone doesn't like something we do, will help us make a step forward. Discussion of location of plantings and space needed to mow occurred. President Schulz said there is also a potted plant in that location, but was told the family would move the potted plant to the side. Mr. Alger commented again, we would then be getting away from the rules. President Schulz reminded him that this is an emotional issue. Mr. Alger said he understands that Mr. Schoof is looking after his loved ones and he should, he has that responsibility. The Village has a thousand loved ones to look after. We can't do that on a case by case basis. There has to be some kind of uniformity, with the Sexton looking after that. He said they have lost three weeks worth of work out there because he was told not to touch anything because it has to go through Council again. He said he understands Mr. Schoof's point, but we need to look at the big picture. He said he was accused of ripping the flowers up and throwing them on the other side, but he actually dug them up, replanted them and watered them. He doesn't take his job lightly. President Schulz asked why he wasn't called when a lavender plant placed on his family's site was removed and not relocated. Mr. Alger said that the plant was overgrown, you couldn't see the headstone and he was told to remove it. Treasurer Odom noted that we do not have the records to make calls to everyone this might affect. She said some sites are very old and we wouldn't know who the family descendants even are. Mr. Alger asked how many complaints we receive last year regarding the cemetery. President Schulz noted about 10. Mr. Alger said they

removed about 200 pots, 136 trailer loads of brush and trees and only 10 complained. That is a huge win for that cemetery. He doesn't think there is anyone that would say it doesn't look a whole lot better today than it did in 2016. He asked what the goal is. Is it to continue to process, have some type of rules that we do follow and enforce, or are we just going to let things go. Trustee McPherson asked about the setting of the stones. It was noted that Mortensen's is not the only company that sets them. It is the family's choice on who they want to hire. As long as the rules for setting them are followed, we don't have a preference. Trustee McPherson said that if we are not following up on the placement of the stones then that is our fault. Mr. Alger noted that this is all due to the lack of maintenance over a number of years up until Council took action to change it a couple years ago. Mr. Keiser noted that Mr. Stead is appointed the Sexton, he starts following the rules based on last month's meeting giving him the authority to do so, and here are again, back at Council. Treasurer Odom mentioned that last year some owners were allowed to leave their sites as they were, with the stipulation that they had to maintain them. She asked if this was the case this time. It was noted that it was not. Trustee Ciganick mentioned rule H and said we decided to allow the Sexton to follow the rules. If we are going to do anything other than that, then this rule needs to be retracted and handle it on a case by case basis and do we really want to get into that. President Schulz said if we are going to follow these to the letter, in looking at the old section of the cemetery, many headstones are north to south so are we going to move those east/west. Mr. Alger noted that we wouldn't have to because we have some sites that are north/south. Mr. Kirt noted that in this particular case they have a headstone, as well as a footstone that is not flush to the ground that we cannot mow over the top of it. Trustee McPherson said we need to follow up with those that are putting the stones in to make sure the rules are followed. Trustee Bennett said our cemetery looks great and doesn't understand the problem with moving the flowers to the other side. Mr. Alger agreed. It was a simple fix and this conversation would have never had to take place. Trustee Bennett asked if anyone knew of the conversation between Mr. Stead and Mr. Schoof. Trustee McPherson said the rules should be amended so anyone who places stones needs to have approval from the Sexton to make sure they are placed in the proper location. Trustee Bennett said he is concerned about making exceptions because next month it will be someone else, and then someone else after that. President Schulz said a Cemetery Committee meeting should be scheduled with the Sexton for further discussion. He also said he will email Mr. Schoof with the results of tonight's meeting. Mr. Alger was told by Mr. Schoof that it was already approved and that Ken agreed. Mr. Stead is on vacation and is not here. President Schulz noted that at the time these were placed, they were in compliance. Mr. Alger asked how he knows that, we are assuming that it was, but we don't know. Trustee Bennett would suggest that in the future, all headstones and footstones need written permission from the Sexton before they are placed. It was noted that they can look at that when the committee meets. Trustee Ciganick said as the rules are currently written, the Sexton pretty much has 100% latitude. He said he is not being insensitive, but as they are written right now he is following our direction because we said please uphold the rules. We are just trying to follow the rules. Mr. Alger noted what we have going on now is "leave mine alone, but take care of that one over there." He said, yes, there are other things to point at but it takes time and we are trying to get to them. I get 20 hours a week to do the job and it takes 32 hours to mow and trim the entire cemetery. So 1/3 of the cemetery doesn't get done every week. Mr. Alger suggested having the committee meet at the cemetery.

- i. **Tap In Application Extension:** Allen and Karen Miglio at 502 Green Acres filed an application for a water and sewer connection a year ago. They have not been ready to complete the connection and the application has expired. They would like to receive an extension as they are now ready to connect to the Village system.

Motion by Ciganick, seconded by McPherson, to authorize a one year extension on Allen and Karen Miglio tap in application. Motion carried by voice vote.

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:** None presented.

10. Closing Member/Public Comment:

- **Trustee McPherson:** Trustee McPherson asked about the repairs and painting of the community hall that was discussed last fall. Treasurer Odom said she would have to look at the budget to see if the cost for the repairs was placed into the budget. The memorial out front is also in need of repair. Discussion occurred about it being relocated to the Memorial by the Senior Center.
- **Brad Keiser:** Mr. Keiser asked how the museum fared with the water from the leak. Trustee McPherson said except for a few newspapers, it wasn't too bad.

12. Adjourn: Meeting adjourned at 7:53 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____