

**Bellaire Village Council
Meeting Minutes
April 3, 2019**

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, Dan Bennett, Eldon McPherson, Trish Drollinger, Bryan Hardy and Helen Schuckel.

Absent: None

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

Also Present: Terry VanAlstine, Jim Barnard, Mike Sizen, Mike Bertram, Nanette & Bill McClellan, Brenda Fink, Shelly Dayton, Marguerite Karabin & Troy from Fleis & Vandenbrink.

3. **Approval of Agenda:** The agenda was approved with additions. President Schulz moved a new item to the beginning of new business and the others fell in behind this one.

Motion by Schuckel, seconded by Hardy, to approve the agenda with the additions of old business item e, Neighborhood Enhancement Program, new business item a, Beag+Haus, item b, add, and Other Fair Board Requests, item k, Parks Committee Disc Golf and item l, Security Sanitation. Motion carried by voice vote.

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

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

Motion by Schuckel, 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) **Resolution #13 of 2019, TEDF Category B:** This resolution establishes a request for funding, designates an agent, attests to existing funds and commits to implementing a maintenance program for the rehabilitation of Broad St. from Bridge St. to Derenzy Road, funded by the Transportation Economic Development Fund Category B Program.

Motion by Bennett, seconded by McPherson, to approve Resolution #13 of 2019. Motion carried by roll call vote. Ayes: Bennett, McPherson, Ciganick, Drollinger, Hardy, Schuckel & Schulz. Nays: None.

b) **Sewer Project Update:** Mr. Keiser explained things were moving forward. The requested easements were done and we are currently working on property descriptions. President Schulz explained that there have been a couple of things identified that are outside the scope of the project and we are working to keep that within the existing budget if possible. Meetings are going well and minutes to the meetings are available for review. Troy from Fleis & Vandenbrink said the final design work is almost complete.

c) **DDA Update:** President Schulz stated the County is hosting a forum at Meadowbrook Medical Care Facility on Thursday April 23rd from 6-7:30 p.m. to discuss the potential future County campus. He explained that the County had soil borings completed in the area outside of the downtown and to place the jail in that location would not create any additional costs. There was discussion about the ball fields and parking lot, noting that those would stay in their current location. He asked Council members to notify staff if they were planning to attend so it could be posted as a potential meeting.

He also reminded Council of the vacancy on the DDA Board left by the resignation of Mr. McConnell. He said he would like Council to consider filling the vacancy with Louise Wenzel. He said she has a background in finance and would make a good addition to the Board. There was discussion about her connection to the DDA district, in which President Schulz reminded Council that there can be members outside of the district.

Motion by Ciganick, seconded by Bennett, to approve the appointment of Louise Wenzel to the DDA Board. Motion carried by voice vote.

President Schulz also mentioned that the DDA has developed the Bellaire Economic Development Committee which is intended to focus on housing, businesses, industry and infrastructure that may be needed and to communicate with the Antrim County Economic Development Corporation.

- d) **County Update-Terry VanAlstine:** Mr. VanAlstine updated the Council on current County business. If you cannot attend the forum, you can find a link on the County website where you can voice your comments and opinions on the subject. The NLEA and Emmet County has reached an agreement and Emmet County will be rejoining the NLEA. The County has a few employment opportunities if anyone is interested. The US Army Corp. of Engineers is starting the process of a hydrology study of the Chain of Lakes at no cost to the County. The next County meeting is at 9:00 a.m. tomorrow. Trustee Ciganick thanked Mr. VanAlstine for attending our meetings and updating us on County news.
- e) **Neighborhood Enhancement Program:** We solicited residents in the Holiday Acre area and we have received two interested homeowners. There is also discussion about updating the park area inside the circle of the subdivision. Clerk Luckett explained that this is round 4 of the grant. The deadline for making application is April 23, 2019 and it's a \$30,000 grant opportunity. At least half of the money has to be used on the owner occupied qualified residences. They will have to meet the criteria of a certain income level, currently at \$49,300 and they have to be current on their mortgage and property taxes. They will also have to submit to an energy audit. Their current interest includes a roof, siding and windows. She is requesting authorization for the Village President to sign the letter and permission to make application.

Motion by Drollinger, seconded by Ciganick, to have the clerk prepare the final version of the letter, authorize the Village President to sign said letter and to authorize the application. Motion carried by voice vote.

8. New Business:

- a. **Public Works Recommendation-Beag+Haus:** The Public Works Committee has had discussions concerning a water system at the former Semrau Estates property, now called Beag+Haus. When the property was first developed, a water line was run to the area but due to the incompleteness of the project it was never hooked up. At the time, the end of the water line was left open causing sediment and other things to infiltrate the line. This has created a problem with contamination. After many attempts to clean the line and with concerns about backflow into the Village water system, the line can no longer be used. One of the solutions to fixing the problem is to allow Beag+Haus to put in their own well systems. There are 24 build sites. The Public Works Committee is recommending that they be allowed to install their own water supply system.

Motion by McPherson, seconded by Drollinger, to allow the developer of the Barnard Development at the previous Semrau Estates to install their own water supply system. Motion carried by voice vote.

- b. **Paving Invoice-Miglio:** Mr. Keiser explained when a new homeowner wants to tap into the water or sewer, they file an application and pay the tap in fee. The homeowner hires an excavator who finds the main and then taps into it for hook up to the home. Our ordinance states that all costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of the property, which means if the road is dug up, then the repair of the road is borne by the homeowner. The sewer main runs right down the middle of Green Acres. Tony Marshall was the excavator and he dug up the road to find the main. When he located the main, he found the tap for the house across the street. He could not tap in there so he dug a little north and found a tap with a pipe already there. We had no record of this tap as it was put in during the 1970's by a private contractor, not the Village. Mr. Miglio feels that he should not have to pay to repair the road because it did not have to be dug up to reach the tap in the sewer line. Mr. Keiser also said that the Village should not have to be dealing with this at all. He explained that this expense is usually billed by the contractor on his invoice. However, due to Reith Riley being on strike at the time, Mr. Marshall called our previous supervisor and asked what to do about it, in which he said to take it off of his invoice, we will pay it and then get reimbursed from the homeowner. We have now sent him two notices of the amount due and he says he should not have to pay it. Mr. Keiser noted that if we hadn't dug up the road we would have never found the one that was there because nobody knew it existed, not the contractor, the

Village or the homeowner. Trustee Ciganick said the ordinance is cut and dry, the cost will be borne by the homeowner. Trustee Drollinger agreed. Treasurer Odom stated that she would have to check into the process and legality of placing this on the tax roll if he decides not to pay the invoice, which she believes is possible. She noted that this will be the first time going through this and would have to research the process. Trustee Drollinger asked about taking it to court, which is another possible option. Mr. Marshall told Treasurer Odom that the homeowner knew going in that he would be responsible for the road repair.

Motion by Ciganick, seconded by Bennett, to inform Mr. Miglio that it is his responsibility to pay this bill and if he refuses to do so we would then look into applying this bill to his property taxes. Motion carried by voice vote.

President Schulz said before Council moves on he would like to address the residence of Nanette and Bill McClellan. They have purchased property on Bellaire Hwy, which was annexed into the Village several years ago. They are paying for sewer taxes and the service line does not go out that far. Public Works may want to meet in the future to discuss running the line out there.

- c. **Craven Park Sign Lights & Other Fair Board Requests:** Mr. Bertram and Mr. Sizen from the Fair Board explained how they will be illuminating the Craven Park sign. The lights they are suggesting to use will be mounted to the pole about ¾'s of the way up the pole and pointed at the sign. They have approximately 14 hours of solar time. They spoke with airport personnel and it will not interfere with their operations.

Motion by Ciganick, seconded by McPherson, to approve the lights that will be used to light the Craven Park sign and to allow the Fair Board to put them up. Motion carried by voice vote.

The Fair Board is receiving a grant from the Department of Agriculture in the amount of \$150,000. This funding has no specific requirements as to its use and the Fair Board has been discussing upgrading the electricity and fixing their kitchen in hopes that it will be able to be rented by the others for events they may be hosting. Mr. Bertram showed Council the potential plans for the renovation of the kitchen. They are going to add outdoor picnic tables and lights for an outdoor eating area and hope to have the repairs done before the fair. The other thing they want to do is build a new barn. They are looking at a 60' X 80' barn with portable horse stalls. Having the stalls could also help with parking. The horse trailers will not have to stay on premise because there will be a place to house the animals. There are also future plans to upgrade the arena, making it usable for competitive events. Mr. Bertram said the lease we have with the Village expires in 2021 but they would like to address it sooner to include a statement adding these upgrades.

Motion by Ciganick, seconded by Schuckel, to approve the Fair Board's request on how they would like to use their \$150,000 grant. Motion carried by voice vote.

- d. **Buy Local, DDA Sub-Committee Request:** Brenda Fink representing the committee provided an overview of the goals the committee is trying to achieve. The committee would like to ask if the trash cans the Village uses downtown can be painted to match the color of the village banners.

Motion by Hardy, seconded by Schuckel, to authorize DPW to paint the trash barrels covers with the shade of blue that was presented. Motion carried by voice vote.

Mrs. Fink noted that this committee will be planting the flower barrels that are placed downtown. She said the barrels are falling apart and believes that the DDA is willing to entertain the idea of replacing them. It will be up to the Council to approve the planters they would like to use. She said Cyman Gardens has provided flowers in the past at a reasonable price. Ms. Dayton explained that the planters they are looking at will last longer than the barrels. There was a discussion about the types of flowers they would like to put into the planters and a map of the location where the planters will be placed was presented. Watering them was discussed. They would like approval to purchase the proposed barrels if the DDA is willing to cover the cost. President Schulz informed them that would have to be a request specifically to the DDA from their budget. Mr. Keiser said the DPW has provided the mulch that goes into the bottom of the planters every year.

Motion by Schulz, seconded by Hardy, to continue its support for filling the pots as well as providing \$200 to defray the cost of annuals that are planted in those pots. Motion carried by voice vote.

- e. **Shanty to Shorts Run:** Kendall Langdon from Shanty Creek called would like permission to host their 5K run again this year. They have spoken with the Antrim County Sheriff's office and Chief Drollinger for safety concerns. The route will not change from previous years and the start time is 10:00 a.m. on May 11, 2019 with awards being given around 11:15 a.m. at Shorts.

Motion by Ciganick, seconded by Schuckel, giving permission for the Shanty to Shorts Race that's scheduled for May 11 to be approved. Motion carried by voice vote.

- f. **Ripple Effect Grant Opportunity:** There is an email from Deana Jerdee as well as a draft of the Paddle Antrim's Ripple Effect grant application form 2019 that was provided by Clerk Luckett.

Motion by Hardy, seconded by Bennett, to authorize the Village Clerk to submit the grant application for Paddle Antrim's 2019 Ripple Effect grant. Motion carried by voice vote.

- g. **Waterline Replacement Project:** Mr. Keiser explained that he attended a conference last week and learned more information about the waterline project. He said we are no longer able to repair broken service lines. If one breaks and it has lead in it then we have to replace it right then. We also learned that if a meter is in need of repair and it contains lead that exceeds DEQ limits, we cannot repair it, we have to replace it. All of these costs come from the Village budget. They are wrapping up testing regulations. They have already doubled our testing requirements from last year and we now have to take five samples from our set locations, two of which are sent in for testing. Trustee Ciganick asked about using an independent lab for testing and wondered if there is some cost negotiating room if we have to bring hundreds of samples to them. Mr. Keiser noted that we do send some of our testing to a lab in Traverse City and it is something that will have to be figured out. He said with DEQ's new testing program, within the next five years it could cost the Village approximately \$24,000 annually for water testing. This is one good reason to be proactive in getting these lines replaced. Trustee Ciganick noted that this is also why we need to begin planning for these costs now and he doesn't think we should wait. Mr. Keiser noted that if we can self fund this project, costs to the Village could end up lower than if we have to use government funding. There was discussion about court proceedings challenging some of the law, but currently we have to comply with it. Discussion of costs and how to pay for it occurred. Municipal bonding, paid back by a water rate increases was one option discussed. It was noted that once the CIP plan is finished, we will have a better knowledge of what we will need.

- h. **BSBL Contract:** It is time to renew the Bellaire Summer Ball League contract. There are no changes except for the dates.

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

- i. **Consumer Fireworks Regulations:** Changes to the Public Act governing the discharge of consumer fireworks now allows a municipality to prohibit the discharge of consumer fireworks at more times than previously allowed. The changes also require that any ordinance enacted to prohibit the discharge of consumer fireworks must impose a civil fine of \$1,000 for each violation of the ordinance and no other fine or sanction. Half of that fine must be used for the law enforcement agency responsible for enforcing the ordinance. If the Council is interested in addressing this with an ordinance our attorney can draft the changes in an ordinance. Council discussed and chose not to take action.

- j. **Banners:** There are a few banners from businesses that no longer exist in the Village. We received a call from another business that would like to place a banner for their business in that location. Staff would like to know if you want to remove the banners of businesses that are no longer operating inside the Village. Treasurer Odom asked Council if they want to set any guidelines for the sale of banners. These might include how often do we replace them, charge a fee to keep them up for a specific length of time, limitations about who can purchase them, keeping it to residents or businesses of the Village, etc. Someone mentioned passing this along to the DDA

Motion by McPherson, seconded by Schulz, to pass this on to the DDA. Motion fails by voice vote.

Chief Drollinger asked if they should have some standards. Minimums of upgrading, who will be allowed to purchase, etc. Mr. Keiser suggested having it come back to Council because it is the state right of way. Trustee Bennett suggested the Street Committee work on it. President Schulz suggested, before moving forward that we table this, but extend the offer to the DDA to see if they want to assume responsibility.

With that, we indicate that if they accept the responsibility, this is our expectation in terms of standards. One standard being that banners can only be purchased by a resident or business of the Village. They understand that if taken on, it will be their obligation to follow the standards set by Council.

As far as addressing the current banners for businesses no longer in existence within the Village, the following motion was made.

Motion by Schulz, seconded by Bennett, to remove the banners of the businesses that are no longer in the Village and we accept applications from current businesses. Motion carried by voice vote.

- k. **Parks Committee-Disc Golf:** Trustee Drollinger informed Council that we were approached by some Glacial Hills people about putting in a disc golf course by our wells, which is west of 1st and 2nd Street. There are still things that will have to be worked out, as we will have to check with DEQ about the regulations that might prohibit them from placing it that location. She said they would, however like to pursue their options. She would like Council's permission to pursue the request.

Motion by Drollinger, seconded by Schuckel, to continue to pursue the request for disc golf. Motion carried by voice vote.

- l. **Security Sanitation:** We were not pleased with the service from last year so the Parks Committee reviewed other quotes. They are recommending using Security Sanitation and would like to use handicap port-a-johns in all four locations in the Village. It will cost the Village \$3,360, which is \$1,000 more than budgeted. The budget was discussed to determine where the extra cost will come from.

Motion by Drollinger, seconded by Schuckel, to use Security Sanitation to supply port-a-johns and that all four units be handicap, at a cost of \$3360. Motion carried by voice vote.

9. Discussion Items:

- a) **MDOT's Michigan Mobility 2045:** This is information that allows us to participate in the development of MDOT's State Long Range Transportation Plan. Because of the M-88 corridor, we are invited to take a survey to give our opinion on their vision for a vibrant multi-modal transportation system.

10. Department/Committee Reports:

- a) **Committee Reports:** Committee minutes were included in packets for review for those committees that have met.
- b) **Clerk/Zoning Administrator:** The Master Plan Committee is meeting next week. There has been a delay due to change of staff, but they hope to be finished soon. President Schulz informed Council that the DDA has extended an offer to help with the RDA process if we needed it.
- c) **Treasurer/Deputy Clerk:** None presented.
- d) **Department of Public Works:** All streetlights have been cleaned, Christmas garland is down and the campground is open. We will charge \$15 dollars a night until the water is on at the camp sites.
- e) **Police Department:** The Shorts party is set for April 27 and all permits are in and accepted.

11. Closing Member/Public Comment:

- **Trish Drollinger:** It was mentioned in a previous meeting about the taxes on the bank building because it doesn't have a plan. Part of that building is rented out so we need to find out why we are not collecting taxes on the portion that is being rented out to a business. President Schulz will check with the County Treasurer to find out.
- **Dan Bennett:** Trustee Bennett was asked by his wife about the possibility of a dog park. It was noted that this was previously discussed and Council did not proceed with the idea due to illnesses that could be spread and maintenance costs to keep in clean.

- **Marguerite Karabin:** Mrs. Karabin expressed a complaint about the extent of equipment at the neighbors, which is creating quite an eyesore. Chief Drollinger noted that all equipment that needs a license is licensed except for one vehicle and he is addressing that situation. She would like to go through the ordinances that addresses this situation with President Schulz stating that she is able to review them.
- **Nanette McClellan:** Mrs. McClellan requested information about how to change a speed limit in an area. Chief Drollinger noted that he could speak with the County Road Commission to see what can be done.

12. Adjourn: Meeting adjourned at 8:46 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____