

**VILLAGE OF GRAND BEACH  
SPECIAL COUNCIL MEETING  
JULY 24, 2017**

**CALL TO ORDER**

Council president Paul Leonard Jr. called the special council meeting to order at 7:00 p.m. EST. Present in addition to Leonard were James Bracewell, Frank Giglio, Deborah Lindley and Blake O'Halloran.

**ADOPT AGENDA**

Giglio moved, seconded by Bracewell to adopt the agenda as presented. Motion carried unanimously 5-0.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**REVETMENT WORK DISCUSSION**

Leonard explained that he had a long conversation with Village Attorney Sara Senica on Friday to ask her to look at a few legal issues regarding the revetment work being done on the beach. He met with Arie Donkersloot, Superintendent Bob Dabbs and Police Chief Dan Schroeder on the beach recently and Donkersloot laid out his proposal regarding the use of the beach and access at Royal Avenue. The project under construction is the Denny (formerly Greely property) project which is the only one that has been issued a permit, and it is currently being done from the Walnut beach access.

The work they've done there has been done because there are voids that have opened up on their property, and they need to fill it in with sand. After they get the sand in, they will be putting in rock. It might take a week to 10 days to bring the sand in and any sand left on the beach will be spread out at Walnut. Leonard outlined four different options regarding the Denny project.

1. Stop work until after Labor Day.
2. Continue working from the Walnut beach access.
3. Drop the sand at Walnut and then move the equipment to the Royal access after Labor Day to drop the large stone for the project.
4. Move everything to the Royal access.

Leonard talked about a staging area at Royal, but said there would only be about 25% of beach available for use and he wasn't in favor of it. He said that he informed Donkersloot that they cannot do any work on the weekends and no trucks in the Village earlier than 9:00 a.m. EST or later than 4:00 p.m. EST while working on this project.

Leonard read an ordinance that was adopted in 2007 and amended in 2010 to restrict hours of construction, alterations, demolition and repairs on property with valid building permits. Clerk Mary Robertson said there has been some confusion among property owners about an ordinance that prohibits work on the beach during the summer months, but there is no such ordinance. The ordinance is for construction work on a home with a valid building permit.

Leonard said that Arie Donkersloot told him that the Dennys obtained a permit from the Department of Environmental Quality (DEQ). Sara Senica is concerned that if the Village tells them to stop the work there would be an injunction filed because this is not a Village building permit, and we don't have jurisdiction over it. She suggested working with the contractor and letting him move forward with the work. If the Village told them to stop work, and there were damages done, the Village could be held liable.

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Lindley suggested using the Oak Street access. She doesn't think they should do the work until after Labor Day. Leonard said that Jay Fox told him that they will be submitting paperwork for a permit to work on their seawall which is next to the Oak access. They want to run a conveyor down the beach access. They will be tearing up the access to do this and they will rebuild it. Leonard asked Fox to send specifications so the Village can weigh in on the use of the Oak access.

Giglio asked if the big cement blocks that were discussed at a previous meeting were put on the Walnut beach by Donkersloot or Oselka.

Dorothy Malachowski, property owner to the east of the Walnut access said that she was being nice and gave Donkersloot access to go across her property to do construction work on a project on Ridge Road and she asked them to leave the cement blocks there for protection when the work was done. She would like to say no now to going across her property. She thinks that some of her shower doors are loosening up and at some point her pool could crack.

Giglio is in favor of letting them do the whole project from Walnut, with everything dependent on the weather.

Bracewell said nobody is happy with the timing, and there was an emergency the first week of April and the contractor is trying to repair damages. The contractor was here to do work previously from damage done in November and the Dennys were waiting for a permit to be issued to do the work on their property. He said that any time this kind of project is necessary to rebuild and to try to save houses, it demands cooperation. His opinion is to press the contractor and tell him to get it done, but the contractor can't control the 6' waves like we had today which keep him away.

O'Halloran said he didn't read the attorney's email in the same way that Leonard did and he thinks the Council should use their best judgement. He said the Village has control of the access points and he doesn't think the council should consider allowing the use of Royal Avenue until after Labor Day. He doesn't see the urgency. He thinks there are other ways to get the job done and that the means and methods need to be changed. He said the Village should require a bond for the project because without a bond there is no leverage to get the accesses repaired.

Leonard said Donkersloot has a certificate of liability coverage in the amount of \$1,000,000 and if personal property or Village property is damaged, the insurance coverage will kick in. Donkersloot told the Council that a bond is put in place to make sure a job is completed.

Donkersloot was asked about bringing the armor stone in on a barge, but he said there is not a place to load the stone on to the barge.

Bracewell moved, seconded by Giglio to continue with great haste and supervision of the contractors and continue to use Walnut Street access as a construction site paying close attention to not blocking in people that live next to Walnut, subject to the decision of property owner Dorothy Malachowski's access.

### Roll Call Vote

Debbie Lindley – nay  
Blake O'Halloran – nay  
James Bracewell – aye

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Frank Giglio – aye  
Paul Leonard – aye

Motion carried 3-2.

### **AUDIENCE RECOGNITION**

Homeowner Vicky McHugh told the council that this is the third summer of construction work on the Walnut beach next to her home. She talked about the condition that the beach and Malachowski's property was left in after work was completed previously. She said the shaking from dropping the large rocks compromises the integrity of the dune. She said they have been telling the Council about the damage that is being done for the last three years. They will have to put rock in front of their house and they hope to use the Walnut access.

O'Halloran said that if the property owner does not give permission to cross their property, the stone cannot be dumped at Royal until after Labor Day.

Leonard said bringing those large trucks into the Village and dropping the rock at Royal is a public safety issue. There is too much congestion on the streets and many people going to the beach in the high season.

Homeowner Brian Storey said that there has been damage to his property on Lake View and work on his property was supposed to start on July 1 and was delayed until July 31 because of an emergency at another job. His sea wall was 6' under the sand when he bought his home. There are significant problems along the lake front and if something isn't done soon, there won't be any beach. The seawall is massively exposed and they need to bring boulders in to support the seawall. He said if property owners don't put the rocks in, houses will be falling in. He said Donkersloot can't use his barge after October 1, so if we wait until Labor Day to start bringing boulders down; it will be too late. If the repair work is not done, we will all lose significant home values. They need to move their seawall back, tie it off and move the boulders back in front of the seawall. He said if we can get the sand coming back on the beach, we will never see the boulders again. The lake levels are at significant highs and if we do it right, we'll have beach back.

Angela Trainor said she does not own lakefront property, but asked what evidence or proof they are providing that this has to be done? She said the Denny family is using the property and the kids are diving off into 8' water, and they are out there on their lawn chairs without any concern that their kids will be rolled over by boulders.

Leonard said he has had personal conversations with Ben Zimont of the DEQ and he said the bluff is in danger of falling into the lake. Donkersloot said the DEQ was issuing letters to everyone who put the rock in to protect their seawall to get their plans in because the DEQ considers this an emergency from one end to the other.

Judith Blackburn said that as a resident of 30 years she has seen many different things done by owners to protect their properties with some doing one thing and others doing another. She would like to know how as a Village we can move forward to protect the property values and the homes instead of having a knee jerk reaction. She asked how we as a Village can make a coordinated effort with oversight from the DEQ and the Village. She said if we need to bump up our property taxes or fees and licensing to move us forward as a beach, she would be in favor of that.

Leonard explained that by looking through old meeting minutes, they found out that there was \$19,000,000 allocated in 1972 by the federal government to the State of Michigan for people to pay for constructing

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seawalls. The state gave the Village \$250,000 in a seawall fund. Some people built seawalls and were reimbursed. The Village granted permission to homeowners to run seawalls across Village property and the Village allowed them to use it. The homeowners paid for the seawalls across the accesses.

Mr. Denny's General contractor Robert Johnson said the Denny's house that was built in 2014 is in more danger than the house they own that is next to it. He said there is wash out at the corner of the retaining wall. If the DEQ would have given permission to put stone in front of the second house in November, there probably wouldn't have been as much damage to that property. Because they didn't give permission, in April they had a meeting out there and Ben Zimont of the DEQ apologized that he didn't give the permission before that because there has now been more than \$100,000 in damages to the Denny property. He said Donkersloot had a conveyor company come out and it is too far and the houses too close together to use a conveyor to move the rocks. He said this is the emergency. That piece of property is still in danger until the sand and boulders are put in.

Donkersloot explained that the Denny's second house has the cement bags, and water was going under the bags and pulling the sand out causing the dune to slide.

Leonard said New Buffalo Shoreline Alliance will have a meeting over Labor Day weekend at the high school to roll out the plan for the beaches. A couple of weeks ago FEMA announced that there would be a \$250,000,000 hazard mitigation grant program available to municipalities such as Grand Beach. Congressman Fred Upton contacted Shoreline Alliance to put together a grant proposal to submit to FEMA. All of the communities on the south side of New Buffalo are facing a critical time in regards to getting beaches back.

In response to concerns about the way the Walnut access was left after construction in prior years, Donkersloot explained what his company did to restore the access. He said he took pictures of the access when finished and Bob Dabbs came down to approve it. They had someone come in to consider if they should plant dune grass and they were told that it is too shady in that area, and they should use Michigan grasses. He said Oselka came in and did work after they repaired the area.

### **CORRESPONDENCE**

None

### **ADJOURNMENT**

Giglio moved, seconded by Bracewell to adjourn. Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 9:24 p.m. EST.

Respectfully Submitted,

Mary J. Robertson  
Clerk-Treasurer