

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING  
AUGUST 16, 2017**

**CALL TO ORDER**

Council president Paul Leonard Jr. called the regular council meeting to order at 7:30 p.m. EST. Present in addition to Leonard were James Bracewell, Frank Giglio and Blake O'Halloran. Deborah Lindley was not in attendance as she was out of town.

**ADOPT AGENDA**

Leonard moved, seconded by Bracewell to amend the agenda to move the "*Protection of 42 Acres – Golf Cart Restrictions*", "*Scott Fryzel – Request Use of Royal Avenue Access, Placement of Armor Stone in Front of Seawall at Pine Street Access and Permission to Apply for a DEQ Permit on Behalf of the Village*", "*James Denny – Revetment Work & Request Use of Beach Access*", and "*Repairs to Seawalls*" to the top of the agenda and to approve the agenda as presented. Motion carried unanimously 4-0.

**PROTECTION OF 42 ACRES – GOLF CART RESTRICTIONS**

Grand Beach resident John Deaner stated that he has walked in the 42 acres every morning for the past 17 years with the exception of when it is raining or he is out of town. Leonard showed a slideshow of pictures that Deaner has taken over the years of flowers and grasses in the 42 acres. Deaner said when he read the minutes from a meeting when McKenna Associates was present and saw the property referred to as a unique ecosystem; he took a look at what was going on in the 42 acres. Since approximately the second week of June he has been seeing new golf cart tracks that are devastating the grasses.

Deaner said Ryan Postema of COL informed him that some of the grasses that have been driven over might come back after two or three years and some might not come back at all.

Leonard said the photos don't do justice to what's being done to the properties. There was discussion on whether golf carts should be prohibited on the property. O'Halloran said that the golf carts have been allowed on the property for many, many years and there are some people that might not be able to access the property without a golf cart. Bracewell feels that it is probably kids on their parents or grandparents carts and the adults should let the kids and renters know that the carts must stay on the established cart paths.

Leonard said he received a notice from Sid Mathias of Grand Beach Land Development stating that the Village is responsible for any damage to the property, so there is a liability issue involved. Leonard thinks that now is a sensitive time since the Village does not own the property and it might be best to put a moratorium on any golf carts.

Leonard moved, seconded by Giglio that we engage in outreach, publish information on the website and send alerts out to ask parents, grandparents and property owners to advise their children and renters that golf carts be limited to established sand paths only in the 42 acres due to golf carts causing damage to grasses and flowers, and that we post signage to let people know that they must stay on the sand paths only. Motion carried unanimously 4-0. Leonard said that if we continue to see damage taking place out there, we will have to take it up to the next level which could be prohibiting carts on the property.

Leonard directed Chief Dan Schroeder to put up a notice on the website and send alerts out and directed Superintendent Bob Dabbs to put up three signs to say stay on established paths only.

**SCOTT FRYZEL - REQUEST USE OF ROYAL AVENUE ACCESS, PLACEMENT OF ARMOR STONE IN FRONT OF SEAWALL AT PINE STREET ACCESS AND PERMISSION TO APPLY FOR A DEQ PERMIT ON BEHALF OF THE VILLAGE**

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Scott Fryzel said their seawall is exposed and the wave action is coming over the seawall and pulling sand out. He said putting the armor stone in front of the seawall will help. Fryzel and neighbor Kevin Killerman are in the process of getting permits to put stone in front of their homes and they want to have the engineer survey the Pine Street access along with their property, and apply for a DEQ permit on behalf of the Village. The letter authorizing them to apply for a permit on behalf of the Village was signed by Council President Paul Leonard and Beach Commissioner Frank Giglio.

### **JAMES DENNY – REVETMENT WORK & REQUEST USE OF BEACH ACCESS**

James Denny said that the biggest problem they were having was at what was formerly the Greeley property because it was protected by grout bags and they found out that the water was going under the bags and pulling sand out, and now there are walls at the top of the dune that are cracking. He said that is also true of their two year old home. They initially applied for a Department of Environmental Quality (DEQ) permit in January 2017 and the DEQ had such a backlog that they didn't get together with them until March. The Dennys have had a tremendous amount of liquid cement pumped around the grout bags. They've now been issued a permit to go forward with putting armor stone in front of that property. He said the Village's seawall is starting to move and it is pulling their seawall with it. They have some gaps in the structure in front of what is referred to as a "boat house" which is located in front of their home.

Leonard discussed the need to get the work done as soon as possible. Donkersloot explained that in October and November there are a lot of windy days and they need waves to be 18" high or less when working on the lake because they have heavy loads and they are bouncing off the sand bars and suffering damage to the barge if the waves are higher. He said they can do a lot of work in September, but in October there are many days that they can't work.

Donkersloot said he is concerned with the corner of the Denny property and the Oak Street access because that wall is moving and if there is another storm, they would definitely bring in the DEQ to allow emergency stone to save the structure. There is evidence of the wall moving and pulling away from the foundation. He said that Denny does not have a permit yet for his house next to the Oak Avenue access and there is a 20-day waiting period required by the DEQ before the permit will be issued, so that will be at least August 30th.

### **REPAIRS TO SEAWALLS**

Lakefront homeowners James Denny, Molly Trafas, Hugh Wade, Jim Fox representing the Fox family, Doug Blauw, Brian Storey, Vicky McHugh, Scott Fryzel, Felice Madda and Bill Cusick representing the Healys introduced themselves and spoke about their seawalls and the problems they are experiencing. Some homeowners have lost decks, seawalls and part of the bluff.

Lakefront homeowner Doug Blauw said that the DEQ doesn't think his property qualifies for an emergency permit, and they are going to go through a different process that will take two weeks for the DEQ and seven days for the Army Corps of Engineers (ACOE), so if they submitted their application today, it would take a minimum of three weeks if all goes as planned. He said the DEQ recommended revetment work from Ely all the way down to Pine.

Blauw said the rock will be at or above the existing wall height, and will go out approximately 14' from the base of the seawall in a triangular pattern. O'Halloran asked why Mr. Denny's rock is going out 28' in front of his seawall and contractor Arie Donkersloot explained that it is calculated on a two in one slope so if it is 15' of height from the top of the seawall to the mud line, the rock should go out 30'. Mr.

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Denny told the Council that the issue we have to address is getting a permit to deal with the Village's seawall at the Oak Avenue access because if it collapses, it undermines what each of them have done to protect their properties. Jim Fox whose family home is next to the Oak Avenue access said there are going to be four homeowners working together with their engineers to have work done.

Leonard moved, seconded by Bracewell that the council will give permission to property owners to apply for a permit with the Department of Environmental Quality (DEQ) and the Department of Natural Resources (DNR) on behalf of the Village for the Village beach accesses in their application packages and;

1. There are ways that this can be done so that it can be done as a tax deduction to the homeowner. In the past, a homeowner has donated money to the Village to pay for the work to the Village beach access, and the Village will pay the contractor for that work and the homeowner will get a tax write off. As he is not an accountant, he suggested that homeowners talk to their CPA's to make sure this will work for a tax deduction, and;

2. In researching the seawall, he and Clerk Mary Robertson went back through minutes from old meetings and a lot of the seawalls were built in the early 70's due to tremendous storms. The State of Michigan applied for a grant with the federal government and the federal government made available a grant of \$250,000,000 for mitigation. The State of Michigan was awarded \$19,000,000 and they gave a grant to Grand Beach in the amount of \$250,000 that went into a seawall fund. At that time, the council agreed that if the homeowners wanted to build a seawall across Village land, the homeowners would pay for the seawall on Village land and the Village would give them permission to put in the seawall as long as they took responsibility and maintained the seawall. The homeowners did the work and they were reimbursed for the work out of the \$250,000 seawall fund. The Council's position on this is that the seawall is the responsibility of the homeowners, and;

3. We will, as the Village, cooperate in any way that we can to assist property owners in getting the work done and in finding a way around the financial burden. The Village does not issue permits for this work because the Village has no jurisdiction over that. It is the DEQ and ACOE that do the permitting, and;

4. We have to have a staging area to do the work, and in Leonard's view we have to use the Royal Avenue access because there is nothing else that makes any sense. We have to get as much work done in as short of a time as we can and the closer the stone is to the job, the faster the work is done, and;

5. Since the window of opportunity of providing assistance to all of these homeowners is closing, we have to work seven days a week from 9:00 a.m. EST to 6:00 p.m. EST beginning the Tuesday after Labor Day.

Motion carried unanimously 4-0.

Hugh Wade said that some of the families will be using a different contractor than Donkersloot and the staging area may need to be staged, and Leonard said that the contractors will have to work together to share the staging area.

Leonard said that Grand Beach Boulevard is a platted road and the surveys that have been done in the last five years show that Grand Beach Boulevard is up the bluff 15' and is no longer on the beach. He

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was told by the Village attorney that she can find no evidence that Grand Beach Boulevard was ever accepted by the Village. He said Grand Beach Boulevard is a non-issue. He said the beach belongs to the Village and in the past the Village has given property owners permission to build the seawall, and if they need to put rock in front of the seawall to protect it, the Village is not going to say no.

### **APPROVE MINUTES**

Bracewell moved, seconded by Giglio to approve the minutes of the Special Joint Meeting – Council and Parks & Rec Committee of July 13, 2017, Regular Council Meeting of July 19, 2017 and Special Meeting – Revetment Work of July 24, 2017. Motion carried unanimously 4-0.

### **PRESENTATIONS/RECOGNITION**

None

### **COMMISSION REPORTS**

Building & Zoning: Bracewell reported on a fence around a pool.

Parks & Beaches: Giglio reported that the beach stairs at Ely were taken out because the water is so high.

Streets & Water: Leonard said he had a meeting with Archie Barkman and Michelle Heit of New Buffalo Township and Rick Reitz and Tim Iverson of the Village of Michiana to discuss the infrastructure of our water systems. At that meeting it was agreed to invite New Buffalo City to the next meeting so that every community knows all of the water systems for each community. They plan to create a map and cross train employees to help each other during emergencies. They will also create a disaster plan with the DEQ. They will meet in September and Leonard and Bob Dabbs will be attending.

Police: Lindley was not in attendance.

Pro Shop & Golf Course: After a comment from a Village resident concerning the walls near the pump house, O'Halloran said we might need to have an engineer look at the walls because if we lose the pump house the DEQ will probably not allow us to rebuild it and that is how we get the water for the golf course. Bob Dabbs said that he spoke with Peerless Midwest and they said that if the pump house failed, we could put wells in and use the existing pipes to run the water. O'Halloran asked Dabbs to start talking to Peerless Midwest and Merritt Engineering in regards to the cost of putting in wells. O'Halloran extended the brick order deadline to September 15th so that everyone has time to get their orders in to memorialize and honor their loved ones. The bricks will be installed in the spring.

### **SERVISCAPE REPORT**

Clay Putnam reported that routine maintenance is occurring on the golf course. The golf course was without water for five days due to a failure at the pump house which has been repaired. There was additional damage done to the #7 green by someone poking the flag sticks into the green.

### **PERSONNEL REPORTS**

Superintendent: Bob Dabbs had nothing additional to add to his written report.

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Police Chief: In addition to his written report, Chief Dan Schroeder said there have been a number of cars broken into over the summer. He reminded everyone to take their valuables out of the cars and lock them.

Building Inspector: Bill Lambert told the council there are only five active permits, and others will come off of his list that includes 20 permits next month.

### **PAY BILLS**

O'Halloran moved, seconded by Leonard to approve the payment of the bills with the written additions as presented. Motion carried unanimously 4-0.

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

#### **RE-APPOINT LAURIE ROCHE TO PLANNING COMMISSION TERM EXPIRING 8/31/2020**

#### **RE-APPOINT JOHN PATRICK O'LEARY TO PLANNING COMMISSION TERM EXPIRING 8/31/2020**

#### **RE-APPOINT JAMES BRACEWELL EX OFFICIO MEMBER OF PLANNING COMMISSION TERM EXPIRING 8/31/2018**

Leonard moved, seconded by O'Halloran to re-appoint Laurie Roche and John Patrick O'Leary to the Planning Commission with terms ending August 31, 2020 and to re-appoint James Bracewell to the Planning Commission as an ex officio member with a term expiring 8/31/2018. Motion carried unanimously 4-0.

#### **FLOWERS AT ENTRANCE TO VILLAGE**

Giglio moved, seconded by Leonard to spend up to \$500 on plants and flowers to be planted at the entrance to the Village off of the highway. Motion carried unanimously 4-0.

#### **GOLF COURSE USE REQUEST- NEW BUFFALO HIGH SCHOOL**

O'Halloran moved, seconded by Leonard to approve the request from New Buffalo High School to use the golf course for cross country and golf as presented. Motion carried unanimously 4-0.

#### **AT&T ANNUAL VIDEO REPORT**

Leonard said that the Village received the annual video report from AT&T.

#### **CLEAN OUTSIDE OF WATER TOWER**

Leonard moved, seconded by O'Halloran to approve up to \$3,000 expenditure for cleaning the outside of the water tower. Motion carried unanimously 4-0

#### **INCREASE IN CLEANING SERVICE COST**

Clerk Mary Robertson told the council that the cleaning service that has been cleaning for the Village for more than 16 years has proposed an increase in cleaning costs from \$50 to \$80 to clean the office, council room and lower level restrooms and an increase from \$120 to \$200 to clean the upstairs hall after an event.

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There has not been an increase in this cost since January 2009.

Leonard moved, seconded by Bracewell to offer an increase to \$160 for the hall and \$65 for office, council room and lower level restrooms. Motion carried unanimously 4-0.

After approval of the motion and discussion from audience members, Leonard moved, seconded by O'Halloran to reconsider the previous motion and moved to accept the increase in the cleaning fees to \$200 for the hall and \$80 for the office, council room and lower level restrooms with the additional \$80 cost passed along to the renters of the hall to cover the additional expense. Motion carried 3-1 with Giglio, Leonard and O'Halloran voting aye and Bracewell voting nay.

### **UNUSED VACATION TIME – MARY ROBERTSON**

Leonard stated that Clerk Mary Roberson has been working far more hours than she should be and she still has 120 hours of unused vacation time and it is unlikely that she'll be able to use the 120 hours before the end of the year since she is still looking for a replacement deputy clerk. Employees are not allowed to be paid for unused vacation time, and he thinks that under the extraordinary circumstances right now, the Council should make an exception. This is the first time that she hasn't been able to use all of her vacation time.

Leonard moved, seconded by O'Halloran for the Village to compensate Robertson for 60 hours of vacation time and to allow her to carry over up to 60 hours for next year if she can't use it this year. Motion approved unanimously 4-0.

### **ICE CREAM DIPPING CABINET**

O'Halloran told the Council that he would like to purchase a bigger ice cream dipping cabinet in the spring to give people more flavor choices. We would keep the old cabinet in the back for additional storage. We will find out what the cost of the new cabinet will be and discuss it at a later date.

### **BERRIEN COUNTY TAX PROCESSING AGREEMENT**

O'Halloran moved, seconded by Leonard to approve the Berrien County Tax Processing Agreement as presented. Motion carried unanimously 4-0.

### **TAKE INITIAL STEPS FOR CHARTER REVISION**

Leonard said it is time for the Village to revise the charter and doing so is a lengthy process. Leonard's first step will be to talk to Village Attorney Sara Senica to see how it is done and in what order. Leonard moved, seconded by Bracewell to explore the possibility of revising the Village charter. Motion carried unanimously 4-0.

### **HALL RENTAL REQUEST – SURPRISE PARTY JUNE 9, 2018**

Leonard moved, seconded by O'Halloran to approve the hall rental request for a Surprise Party on June 9, 2018. Motion carried unanimously 4-0.

### **AUDIENCE RECOGNITION**

On behalf of Sara Gavin who has rented the hall for her wedding on September 9th, Gina O'Halloran asked the Council if they can place 18 chairs out beyond the parking lot near the golf course for a 20 minute wedding ceremony and then return the chairs to the hall.

### **CORRESPONDENCE**

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### **JOHN DEANER – DAMAGE TO GRASSES & FLOWERS IN 42 ACRES**

The Council received a letter from John Deaner and it was addressed earlier in the meeting.

### **JOE HANG – REQUEST PERMISSION FOR WEDDING ON GOLF COURSE**

Leonard said the Council received a request from Joe Hang who is having his wedding and reception at the hall and would like permission to hold a small ceremony under a tree to the right of the #8 hole fairway on October 28th. Leonard moved, seconded by O'Halloran to approve the wedding ceremony for both Hang and Gavin as requested. Motion carried unanimously 4-0.

### **MICHAEL STOKES – FUNDING SUGGESTION FOR PURCHASE OF 42 ACRES**

Leonard said the Council received a couple of letters from Michael Stokes regarding funding suggestions for the purchase of the 42 acres and they will be addressed at a later date. Bracewell said that the council should do their homework on this suggestion prior to the September meeting.

### **MICHIGAN SHORES COUNTRY CLUB ESTATES – WHITE CREEK**

Leonard said the Council received a letter from Michigan Shores Country Club Estates regarding White Creek and the language that the Village included on the signage that was posted about E.coli in White Creek. They were not happy with the signage and wanted it sign to say "Do Not Swim in White Creek" and even though he respects the neighbors to the south, he is not inclined to change the sign.

### **ED TRAINOR – USE OF STREET RIGHT-OF-WAYS**

Leonard said the Council received a letter from Ed Trainor regarding the use of street right-of-ways and he has already addressed that with Ed Trainor.

### **ADJOURNMENT**

O'Halloran moved, seconded by Leonard to adjourn. Motion carried unanimously 4-0.

With no further business, the meeting was adjourned at 9:49 p.m. EST.

Respectfully Submitted,

Mary J. Robertson  
Clerk-Treasurer