

**Bellaire Village Council
Meeting Minutes
September 4, 2019**

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

2. **Roll Call Attendance:**

Present: President Dan Bennett, Council Trustees David Ciganick, 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, Jennifer Hodges, Ben Kladder, Patrick Boyd & Amanda Kik.

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

Motion by Hardy, seconded by Drollinger, to approve the agenda with the addition of new business item f, DPW Supervisor Phone. Motion carried by voice vote.

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

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

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

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

7. **Old Business**

a) **Parks Committee Recommendations:**

- **Alcohol Possession/Consumption Application & Permit:** Parks Committee is recommending the approval of the application for alcohol possession and consumption at the park. Glass containers will be allowed, a no fee permit will be required, and it will only be allowed within 25' of the pavilion. There is no fee for the permit due to the rental and liability coverage fees that are charged for those renting the pavilion who wishes to have alcohol for their event.

Motion by Drollinger, seconded by McPherson, to approve the permit form that will allow alcohol within 25' of the Richardi Park pavilion. Motion carried by voice vote.

Motion by Drollinger seconded by Schuckel, to approve the application form for possession and consumption of alcohol in Richardi Park as presented. Motion carried by voice vote.

- **Reservation Form:** The Parks Committee discussed some changes to the reservation form. These changes reflect discussions about serving alcohol in the pavilion area, the use of the fireplace, water availability and trash removal when the pavilion is rented.

Motion by Drollinger, seconded by McPherson, to approve the park rental reservation form with the changes. Motion carried by voice vote.

- **Park Rental-New Hope:** Trustee Drollinger explained that New Hope Church sponsored youth soccer and basketball camp and used the Soccer Park & Richard Park for the events. They were not reserved and they didn't pay to use them. She did contact Mr. Felton and explained this to him. Mr. Felton said he called the Village and was told the pavilion was the only thing that needed to be rented so he thought he could just use the park. It was noted that when he called, he didn't explain what he was going to be doing at the park. Clerk Lockett said he came in to the office and offered to pay for the rental and player fees. He said there were 18 children who did not belong to the youth soccer program. Clerk Lockett gave him a copy of the waiver form and said not to pay

until Council could address it at their next meeting. Trustee Drollinger informed Council that the committee discussed a possible donation but not making him pay the rental fee. There was no formal motion so the decision would be up to Council. Clerk Luckett said her understanding was that the camp was a three-day event which would require a \$50 a day rental fee. It was also noted that the players were charged a fee to attend, in which Mr. Felton said only covered his expenses for the event. Providing waivers for the participants was also discussed. Trustee Ciganick noted if we ask for waivers from groups and not from people who just come to play at the park for the day, why are waivers needed at all. He also noted that if we waive the fee to use the park, then we have to be careful about setting precedent in the future. Treasurer Odom said she believes the waivers are at the recommendation of the attorney. Trustee Ciganick suggested checking with the attorney as to the need for the waivers.

Motion by McPherson, seconded by Schuckel, that because it is our policy, he should pay the applicable fees, which are \$50 a day, for the basketball camp. Motion failed due to tie vote. Ayes: McPherson, Schuckel & Bennett. Nays: Ciganick, Drollinger & Hardy.

Trustee Drollinger would like to see the charge be a total of \$50.00. Trustee Ciganick asked if this was a reservation fee or a use fee with Trustee Drollinger noting that this would be a use fee due to the use of electricity. After discussion the motion failed due to tie vote.

Motion by Drollinger, seconded by Hardy, to charge New Hope \$50.00 for the use of the park for the basketball camp. Motion carried by voice vote. Ayes: Drollinger, Hardy, Ciganick, Schuckel, Bennett Nays: McPherson.

Motion by Drollinger, seconded by Schuckel, to accept the player fee that he offered to pay for the soccer camp. Motion carried by voice vote.

Clerk Luckett noted that there was a letter at Council seats, based on the recommendation from the Parks Committee, thanking him and reminding him of the fees and reservation policy.

- **4H Water Meter Installation:** Parks Committee discussed putting meters at the barn, kitchen and bathhouse at the 4H section of Craven Park. Mr. Keiser explained when the fair is at the park, Village water is being used for their event and it is not being paid for. He explained the installation of the meters will be approximately \$1,000 for parts and labor. Discussion about whether we will set up an account and begin billing them for their usage occurred. It was noted if we are not billing for the usage, then why spend the funds to install them. Mr. Keiser also noted that when they complete their barn, they want to rent it out, which will create a billing to the Village for that usage if we decide not to bill them.

Motion by Drollinger, seconded by McPherson, to charge 4H for the utility bill and inform them of the charge and to charge them for the separate irrigation meter. Motion carried by voice vote.

- **Craven Park Campground Rules:** Trustee Drollinger said it was brought to our attention that the campground doesn't look appealing due to some campers having household appliances on their campsite. The Parks Committee would like to amend the campground rules to include no household furniture or appliances. Trustee Ciganick explained that many campers have the little mini refrigerators and would like the motion to reflect allowing them.

Motion by Drollinger, seconded by Schuckel, to update the campground rules to include no full size household appliances. Motion carried by voice vote.

- b) **Sewer Project Update:** This item was discussed under old business item c, Public Works Committee recommendations.

c) **Public Works Recommendations:**

- **Sewer Project:** Trustee McPherson read the motion from the Public Works Committee recommending to Village Council to review and reconsider, with comment from legal counsel and based on the water line replacement, going forward with this project. Mr. Keiser explained there were still questions about going forward with the project. There was concern with moving forward with the sewer project with the upcoming water line replacement project. President Bennett explained that if we move forward with this recommendation we will need three separate motions. One to pause and reorganize the project, to work on a plan as we move forward instead of taking out a loan, one to sever the ties with Fleis & Vandenbrink and to authorize Treasurer Odom to negotiate a grace period with the bank on the bond and find out what we need to do with the bond note. Treasurer Odom reminded Council that there is a bond note for \$209,000 for pre-closing costs that is due October 1. She said she spoke with the bank and they are willing to work with us to do what we need to do. The bank said we can extend the due date or set it up for payments. She also noted that she spoke with Bond Counsel and they said they can extend the note for two more years if needed. The cost to file the extension would be \$2,000 to \$2,500 to complete the paperwork. Clerk Luckett said there are no repercussions for future projects as far as the USDA is concerned and the permit that was issued is in the Village's name. It is a five year permit. Blake Smith from the USDA recommended we still obtain bids for the projects and from the bids, choose the projects we want to move forward with, and then de-obligate the rest of the funds. One committee concern was the ownership of the engineered documents and according to our attorney, they belong to the Village. President Bennett noted that we are not mandated at this time to complete the sewer project, but the waterline replacement project is mandatory. Treasurer Odom noted that the budget reflects a utility rate increase which has not yet been implemented and that there may be some residual bills that come in for work completed on the project but not yet billed. Trustee Drollinger said we should cut our losses due to the looming waterline project. We cannot afford to do both. It was noted that we still have to take care of the sewer projects, but it is hopeful that we can address them in our budget.

Motion by Bennett, seconded by Hardy, to pause and reorganize the program for the sewer project. Motion carried by voice vote.

Motion by Bennett, seconded by McPherson, to sever our relationship with Fleis & Vandenbrink. Motion carried by voice vote.

Motion by Bennett, seconded by Hardy, to authorize the Treasurer to negotiate a grace period and get direction from bond counsel for the bond anticipation note. Motion carried by voice vote.

- **Water/Sewer Rates:** Treasurer Odom explained that the suggested rates presented include the loan for the sewer project and doesn't include the waterline replacement project. Due to this the rates may not be ready to set. She explained that she is hopeful to get the details worked out with Mr. Engels from MRWA for the next meeting. She explained that Mr. Engels is extremely busy but we are hopeful that a month is enough time to amend the rate study. Mr. Keiser will see him this month at a training class. Trustee Ciganick said he understands the concept of not raising them twice, but we have a very large project looming over us and the sooner we start planning for it the better. He is ready to increase rates immediately to prepare for this. He mentioned that Elk Rapids increased their rates 40% to help cover costs for their projects they had to do. Clerk Luckett explained that it was for aging infrastructure. This item was tabled until next month.
- **Leak Repair Rules:** The Public Works Committee is recommending that we adopt rules for leak repairs. Language for the ruling is included below in Resolution 21, 2019. Allowing no further grace periods for late payments was also discussed. Payment is due on the due date.

- **Lessee Responsibility Written Notice:** This item was addressed below in Resolution 21, 2019. Clerk Luckett explained that she changed the language on the form from Lessee to Tenant to be consistent with the code.
- **Lessee Deposits:** This item was addressed below in Resolution 21, 2019.
- **Resolution #21 of 2019:** Resolution 21 of 2019 addresses an amendment for payment grace periods, leak repair rules and lessee responsibility written notice and rental deposits.

Motion by McPherson, seconded by Drollinger, to approve Resolution 21, of 2019. Motion carried by roll call vote. Ayes: McPherson, Drollinger, Ciganick, Hardy, Schuckel & Bennett.

- d) **DDA Update/NLEA Contract Request:** Amanda Kik, co-director for Cross Hatch provided an update about the community hall project. She explained that Cross hatch has formed a capital campaign with members from the community and business owners with a goal to raise between 2,500,000 and \$3,000,000 to restore the hall and move the village. They are hoping to raise 75% of their goal in the first phase and the rest of it during a public phase. The DDA has contracted the NLEA to be the fiduciary for the donations. Donations can be tax deductible. There are two requests for proposals. One for architects and one for contractors.

Motion by Bennett, seconded by McPherson, to approve the DDA hiring of the NLEA to act as their fiduciary for the donations they receive. Motion carried by voice vote.

- e) **County Update-Terry VanAlstine:** The County is working to repair the radio system for better use. The Grass River road is now complete. County is looking for a new financial director. The bank building is coming down. Once down it will be seeded.

8. New Business:

- a) **Council Vacancy-Letters of Interest:** We received four (4) letters of interest to fill the vacant council seat left by the resignation of the Village President, Bob Rodriguez, Pat Boyd, Eric Kretschmer & Don Seman. Bob Rodriguez & Pat Boyd were nominated by Council members.

Motion by Ciganick, seconded by McPherson, to close nominations. Motion carried by voice vote.

After discussion the following motion was made.

Motion by Ciganick, seconded by Hardy, to appoint Pat Boyd to fill the vacant Council seat until the next election in November, 2020. Motion carried by voice vote.

- b) **Bradley Keiser Contract:** The Administration Committee met and discussed Mr. Keiser's contract and is recommending that it be extended for three years. Trustee Drollinger is concerned about the amount of time he works creating a discussion of keeping the position salaried or making it hourly. It was noted that this could be looked into in the future.

Motion by Hardy, seconded by McPherson, to approve Mr. Keiser's contract for a period of three years. Motion carried by voice vote.

- c) **Site Plan Review Services:** Clerk Luckett explained that we contracted with Fleis & Vandenbrink for site plan review services if needed. In reviewing the contract, she explained that any work completed by them belonged to them and she wanted to make sure we owned the documents. We have yet to need their services. She is recommending that we terminate the contract for site plan review services.

Motion by Bennett, seconded by Hardy, to terminate the contract with Fleis & Vandenbrink for site plan review services. Motion carried by voice vote.

- d) **Alerus Retirement Investment Policy Statement:** This statement from Alerus dealing with our investment policy statement for our pension plan needs to be approved by Council.

Motion by Hardy, seconded by Bennett, to approve the Village pension plan retirement investment policy statement from Alerus. Motion carried by voice vote.

- e) **Crusecom Annual Certification Report:** Crusecom has supplied their annual report and do not meet the requirements in their agreement for tax exemption. Discussion of allowing them to put together a correction plan was discussed. Trustee Ciganick noted the tax exemption agreement was for five years providing he would hit the 40 employee mark on a consistent basis. We are 2 1/2 years into it. He suggested giving him a six-month period to hit that 40 mark, then we could look at rescinding the abatement if unsuccessful. It was noted that legal counsel would have to be consulted. We need more information before we can decide how to proceed.

Motion by Bennett, seconded by Hardy, to terminate the agreement for not reaching their requirements of the agreement. Motion failed by voice vote.

- f) **DPW Supervisor Phone:** Discussion of the use of Mr. Keiser's personal phone for Village business due to the work phone being an old flip phone occurred. Trustee Drollinger also noted that there is a phone plan called first net which is used by first responders. He would be considered a first responder for potential municipal water/sewer emergencies. This plan provides for special rates and first service in case of emergencies. It was suggested to update his phone and service. President Bennett suggested placing a not to exceed dollar amount in the motion. Trustee Ciganick asked about reimbursing him for personal phone use. Treasurer Odom suggested developing a policy if we proceed in that direction.

Motion by Drollinger, seconded by Hardy, to update Mr. Keiser's business phone and service plan. Motion rescinded by Drollinger, seconded by Hardy, until further cost information could be gathered.

9. Discussion Items:

- a) **County Property Taxes:** This is to inform Council that the bank property has been placed back on the tax roll. We have received tax revenue from the County for 2018 and the 2019 invoice has been calculated and mailed.
- b) **Bellaire Youth Initiative Annual Report:** The Bellaire Youth Initiative has provided the Village with their annual report. A copy will be in the office if anyone would like to review it.
- c) **309 N. Maple-Vehicles, etc.:** There is correspondence in Council packets from legal counsel that addresses the vehicles at 309 N. Maple St. As stated previously, as long as they are licensed and registered, there isn't much that can be done unless Council would like to amend their policy.

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 Redevelopment Ready baseline report was sent to members. She responded to the report and adjustments have been made. Their representative will attend the meeting in November to provide further information on the RRC. Between now and November the revised baseline report will be provided and the memorandum that outlines how we proceed. We will have to approve a resolution. We are still working on revisions to the Master Plan and is hopeful that she will have that next week. A special meeting is scheduled for October 8, 2019 to address. We are also working on a draft CIP plan. Having the RRC in place will help with opening the door for potential grants.
- c) **Treasurer/Deputy Clerk:** None presented.
- d) **Department of Public Works:** Mr. Keiser informed Council that he is looking into building restrooms in the village owned area across from Ruthie's. Ms. Hodges presented him with some potential options. A possible funding option came up from a gentleman who works with AT & T and mentioned that they might be willing to build the bathhouse if we allow them to place the antenna on top of the building. Cost estimates are being put together. Mr. Keiser updated Council on the status for the dock permit at Ohio St. Jennifer Hodges gathered the information they needed

and submitted it to EGLE. The new dock boards on the old dock will be completed by the Paddle Antrim event.

e) **Police Department:** Chief Drollinger informed council that he has been able to speak with school staff and the superintendant about active shooters. He also informed them that the applicant that would have interviewed for the part time officer position took another job in his hometown.

f) **Planning Commission:** None presented.

11. Closing Member/Public Comment:

- **Trustee Ciganick:** There is an individual in town that is interested in seeking permission from Council to have goats. The ordinance would have to be amended to allow. No further action was taken. He also asked what the next step was if we have to move forward with a violation for the car dealership. He noted that he has been spoken to several times about potential violations. Chief Drollinger noted that we would speak with the attorney and begin citing him with violations. There are several steps to take.
- **Jennifer Hodges:** Ms. Hodges completed the water line report and has spoken with Mr. Engels to prepare for water rates. She will present the report at the next council meeting. She also explained that she is available as a resource for the sewer project if needed.
- **President Bennett:** The committee list was presented for review and will be placed on the next agenda for approval.
- **Trustee Drollinger:** Trustee Drollinger said she was contacted by Tristan Cole's office about dredging Craven Pond. If we can obtain some cost information we may be able to get some help with the costs. Costs that we have on file were based on our employees do much of the work. Trustee Ciganick asked what is meant by "help". She also informed Council that she was approached by Joe Short and he would like to develop a committee to discuss things that could be done in our parks. She would be a part of the committee. Discussion about this being a DDA committee occurred.

12. Adjourn: Meeting adjourned at 8:55 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____