

**Bellaire Village Council
Meeting Minutes
June 6, 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, Bryan Hardy (7:09), Eldon McPherson, Trish Drollinger, Dan Bennett and Helen Schuckel.

Absent: N/A

Staff Present: Cathy Odom, Treasurer, Lori Luckett, Clerk, Ken Stead, DPW Supervisor & Bill Drollinger, Chief of Police.

Also Present: Ronald Barwick, Terry VanAlstine, Brad Keiser & Joe Neller.

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

Motion by Hardy, seconded by Bennett, to approve the agenda as presented. Motion carried by voice vote.

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

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

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

6. **Public Comment on Agenda Items:**

a) **Terry VanAlstine:** Mr. VanAlstine introduced himself as a candidate for Antrim County Commissioner for District 5. He explained why he is running and would like Council support.

7. **Old Business**

a) **Compensatory Time in Lieu of Overtime:** President Schulz explained that we met with the attorney for a final opinion on overtime for the DPW supervisory position. The position is currently a salaried position, but that alone doesn't mean it is exempt or nonexempt from overtime. He explained that this position does qualify as an executive level position which makes it exempt from overtime. The handbook and job description will need some minor changes. He would like recommend sending this to the Administration Committee to identify the proposed changes and then bring it back to Council.

b) **Parks Committee Recommendation-Merry Go Round:** The Parks Committee met to discuss the merry go round that was removed at Holiday Acres. They would like to recommend replacing it with a new one. They also discussed placing a picnic table at the park and the possibility of putting in a basketball court. They are recommending that we use some of the money that is being set aside for the Transportation Station for the merry go round and picnic table. Parks will continue to look at the costs for a basketball court for next year's budget. They also discussed putting a bridge over the creek with Mr. VanAlstine stating that it might be a good project for an Eagle Scout.

Motion by Drollinger, seconded by Schuckel, to replace the merry go round at a cost of approximately \$4,000 and to add a picnic table at Holiday Acres. Motion carried by voice vote.

8. **New Business:**

a. **Green Peak Innovations Presentation:** Mr. Neller represents a company who is in the final stages of securing a medical marijuana facilities license from the State. Mr. Neller provided information about his company and explained that they are currently construction a production facility just outside of Lansing and are looking to bring visioning centers to municipalities that will opt in with the appropriate ordinances. He would like the Village to consider opting in. The law has established 5 types of licenses, a grower, processor, provisioning center, safety compliance lab & secure transport.

They cannot operate a facility unless the proper ordinances are adopted. The municipality has a choice to adopt the license type and how many licenses per type to allow. Within the ordinance we could set zoning requirements and charge up to \$5,000 per applicant, annually. They do have a downtown location in mind, but they cannot move forward until the appropriate ordinances are in place. President Schulz stated that Traverse City is allowing for 2 provisioning centers. He also stated there are about 800 Antrim County residents who currently have a medical marijuana card. Only those with cards will have access to the center. He said there are residents at Meadowbrook that would possibly benefit from this as a pain reliever. Discussion occurred about the components in marijuana. One being THC, which is the psycho active component, and the other is CBD, which the medical component or anti inflammatory with one potential side effect of drowsiness. He said they are a medical canvas company and would like to launch a true medicinal program in the State of Michigan. He said they do not know what the recreational market will bring and are not in favor of its passing in the next election. He understands addressing the board is a first step to determine if this Council would consider adopting an ordinance and that it is a lengthy process. The process requires meetings with the Planning Commission, several public hearings and the approval of ordinances. He will be happy to attend a future meeting for a full presentation, discussion of laws, products, benefits and more information on his company. Trustee Ciganick asked what the company has done so far and about their current locations. Mr. Neller explained that they have spent funds on researching products, planning for facility design, constructing a facility and purchasing land. They are pending cultivation and processor licenses along with three provisional center licenses. Trustee Ciganick asked what the attraction was to Bellaire. Mr. Neller stated Short's. Trustee Ciganick then asked what Mr. Short had to do with the medical side of this. Mr. Short introduced him to President Schulz, which led to his attendance at this meeting. Trustee Ciganick asked if the language on the November ballot passes, would the company open recreational facilities. Mr. Neller explained that his understanding of the recreational bill is that it models the framework of the current medicinal bill to an extent. If procedures are completed to allow for a medicinal facility to open, we could not switch it to recreational without the same authorizing ordinance from the local municipality. He said even though they are not in favor of recreational marijuana, they would pursue that market if approved. He explained that a provisioning center is a retail store where registered patients with a physician certified condition and obtained a medical card can buy product. Discussion occurred about the amount a person with a card can receive. He said the amount is based on the law not by a physician, unlike a prescription dosage. He said the law does require third party testing requirements. Any product produced has to go to a third party testing lab testing it for potency, which has to go on the label and tests it for residual pesticides, fertilizers or any other micro toxins. President Schulz said we need to have a comfort level with the facts so we need further information due to the sensitivity of the issue. Trustee Ciganick stated that Mr. Neller is looking for a read from the board about moving forward with the process. He said the timing is interesting because he has a family member with Croon's disease and they have recently learned from someone else with the same disease that was being treated with the same medicines and stopped them to pursue this treatment, which has helped. He did say he is a little sensitive to having it here is Bellaire, but is open to learning more about it with Trustee Drollinger saying if we move forward with the process, we should consider where it should be allowed within the Village. President Schulz suggested that the company speak with Chief Drollinger to discuss potential concerns. Mr. Neller explained that this process is not a quick process. It could take several months and he is willing to attend any meetings Council feels they need.

- b. **Pension Fund Changes:** A Village pension fund representative contacted us about their dissatisfaction with one of the funds we currently use to invest. Its cost and performance are not where they would like it to be and are suggesting Council approve a change from a Fidelity fund to a Vanguard high yield fund.

Motion by Schulz, seconded by McPherson, to adjust the Village pension portfolio based on the recommendation from Alerus. Motion carried by voice vote.

- c. **Antrim County Treasurer-Tax Foreclosed Property:** The Antrim County Treasurer's office sent correspondence about a tax foreclosed property within the Village, which we have first rights of refusal. The property is located adjacent to our soccer field. The cost to purchase would be approximately \$775.26. It was noted that the property is landlocked and a variance request would have to be received for anyone to access it. Trustee Ciganick wondered what we would do with it, explaining that anything we would do at the soccer park would be done in the area of the parking lot. It was noted that purchasing it would also take it off the tax roll.

Motion by Drollinger, seconded by Bennett, to purchase the property. Motion failed by voice vote. Ayes: 1 Nays: 6

- d. **Downtown Sidewalk Curbs-MDOT:** Mr. Stead said he met with MDOT and they will repair the curb in the area of the Bellaire Bar. Now that we have the contract with them, we have to bid it out, pay for it and then we can be reimbursed for the expense. The expense is currently not in the budget and he would like to budget for it so the repair can get done. He said he expected the cost to be between \$6-7,000 and we would be expected to go with the lowest bid. Trustee Drollinger asked if DPW could do the work with Mr. Stead saying they could not.

Motion by Ciganick, seconded by Hardy, to authorize Ken to proceed. Motion carried by voice vote.

- e. **Antrim County Facilities Plan Update:** President Schulz updated Council on proposed County plans for their Bellaire campus. They had a lengthy meeting about getting an analysis of the state of their current jail, sheriff's administration area and existing county building. The County came up with five (5) different options for planning over a 10-20 year period. One option has to do with property the County owns west of Meadowbrook. In this option, this location is being considered for the placement of the jail and sheriff's administration, which will give them the most opportunity for expansion if needed. It will also give them room for their marine patrol garage. One drawback for this option would be the transporting from the jail to the courts, which would require an additional half time officer. The other four options involve property the County owns near their current location, which includes the bank property they purchased. There are four different scenarios including one that proposes converting the existing County building over to the jail. Each of the options has different pros and cons as well as costs. One of the options involves the vacation of Grove St. which will allow for a continuous campus from Depot St. to Hickory Lane. He said he let them know that vacating a street is not done by just Council approval. He explained part of the process, which can be lengthy. His concern is that we have a person that has purchased the Portage Dr. property whose main entrance is directly across from Grove St. President Schulz explained that when the County purchased the bank property, it removed approximately 1% of our tax revenue. The County hired a firm to review all of the options and at some point they will have the five options available. He informed the County that as soon as the information became available, he would like the Village to be notified. One reason being if the Village decides not to vacate Grove St., they may not want to spend time or costs on plans for a campus that includes that St. He said his read from the County commissioners is that they like the option with the vacation of Grove St. Discussion of the costs for the project occurred including the asking of the taxpayers for a bond issue for the new jail. These funds may be spent on other needed items, such as, Eddy School Rd that needs repair and also bi directional internet that would cost about \$130,000 to bring this way and would benefit the entire community and increase desirability for potential new businesses. He agreed that the jail is in need of updating, but what is in the best interest of the County and its residents. He said as soon as the information is available, he will ask the County to present it to the Village.
- f. **Attorney Correspondence-Protec Membership:** Our attorney received correspondence from the Alanson Village attorney in regards to an advocacy group that protects rights-of-way. It is called PROTEC and is a Michigan Coalition to Protect Rights-of-Way. They are seeking memberships with the cost based on population. Cost to the Village would be \$135.75. No further action was taken.

- g. **Cemetery Rules/Regulations:** Pictures were presented to the Board showing an ornamental display on a gravesite that exceeds the 18" limit. It was also noted that this same site and another one have alcohol on the sites. Trustee Bennett noted a section of the rules that allows the Village the right to remove anything they deem improper. Trustee Ciganick noted that the rules to handle this type of situation were already in place so was this going to come to Council every time it happens. Treasurer Odom noted that it was brought to Council because staff handled this with a previous situation and we were told we shouldn't have. Council will have to decide to let staff take care of it or not. Chief Drollinger noted no alcohol in the cemetery. He said he could take possession of the alcohol and place it in the evidence room. Trustee Ciganick asked about having a place where the removed items can be picked up and it was noted they were previously placed by the cemetery garage. It was noted that the rules are posted at each entrance and at other locations of the cemetery.

Motion by Schulz, seconded by Hardy, to authorize the Cemetery Sexton to apply the Lakeview Cemetery rules and regulations for the removal of this structure. Motion carried by voice vote.

- h. **Resolution #16 of 2018, Millage Rates:** This resolution will set the 2018-19 millage rates. These are the rates that were used to set the 2018-19 budgets.

Motion by Ciganick, seconded by Bennett, to approve Resolution #16 of 2018, setting the millage rates for 2018. Motion carried by roll call vote. Ayes: Ciganick, Bennett, Drollinger, Hardy, McPherson, Schuckel & Schulz. Nays: None.

- i. **Resolution #17 of 2018, Deficit Elimination Plan:** We received a letter from the Treasury Department informing us that we have a deficit of \$30,507 in our Internal Service Fund. The fund itself shows a positive net position, however, our capital assets exceeds that net position, creating the deficit. There are a couple of ways to resolve the deficit. One plan is to complete an appropriation transfer for the entire amount from the general fund; however, we are already using some of the fund balance for the current general budget. The other option is to look at increasing the rates that we charge to the other funds for equipment rental, doing an appropriation transfer for half of the deficit from the general fund and to make sure we watch our wages and fringes for motor pool, making sure they are expensed to the correct funds. Council discussed and like the second option. The following motion was made. Any way this is handled, some budget amendments may be required.

Motion by Schulz, seconded by Hardy, to approve Resolution #17 of 2018, the deficit elimination plan. Motion carried by roll call vote. Ayes: Hardy, Bennett, Ciganick, Drollinger, McPherson, Schuckel & Schulz. Nays: None.

- j. **Water/Sewer Usage-Richardi Park:** We currently do not have a water/sewer account at Richardi Park. Mr. Stead explained that DPW put the meter in because we have to account for the water used. Staff asked if Council would like to bill Richardi Park for the usage. We currently bill Craven Park, the offices and the WWTP.

Motion by Schulz, seconded by Bennett, that we set up a water and sewer account for Richardi Park. Motion carried by voice vote.

- k. **DDA Matters:**

- **Ad Hoc Committee Update:** The DDA received a \$10,000 grant from Rotary Charities. \$5,000 of it will be used for an engineering study to review the condition of the community hall. The other \$5,000 will be used for a marketing video they hope will help with looking at grant opportunities for the total restoration project. Mr. Short approached the Ad Hoc committee for the Village and proposed moving the Village offices to Mr. Unger's house. The house was purchased by Mr. Short and it is located right behind the current Village offices. The committee met and toured the building. President Schulz noted that it will need much work to make it usable for Village offices. President Schulz said that he and Trustee Ciganick met with Mr. McKinnen from the East Jordan Family Health Center and toured the Bellaire Family Health Center Building. Trustee Ciganick said the building, so far, will be the best option for our offices, but does worry about the financials for the remodel and purchase. He noted the feasibility of selling the food

pantry building and parking lot to help cover some of the costs of the new location. There seems to be space to cover public safety, our offices and the food pantry. The building is in good condition, but still has reservations about the financials. President Schulz also noted that the Chamber may be able to move into it. He explained a potential layout for all of the different offices that will be needed. Mr. McKinnen said he will pitch the idea to his board at their next meeting. President Schulz explained that if this building does get vacated then all of the maintenance and insurance will fall to the DDA so that it is no longer a Village expense. The DDA will then look for funding sources to maintain the building. Chief Drollinger noted that Gaylord sought a bond proposal for their new offices and we may want to check with them.

9. Discussion Items:

- a) **MDOT Act 51-Nonmotorized Expenditures:** We are required by Act 51 to spend 1% of our state street revenue for nonmotorized expenditures over a ten year period. This is to remind Council to keep this in mind during the next budget cycle.
- b) **July Council Meeting:** This is a reminder that the July Council meeting will be on Tuesday, July 3, 2018 due to the 4th of July holiday.

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:** Chief Drollinger informed Council that they are going to implement a schedule of four (4) tens for a couple weeks to see how it will work out.

11. Closing Member/Public Comment:

- **David Ciganick:** Trustee Ciganick said he was getting tired of mowing around flags and asked if there was a timeline for them so he could take them down if he needed to. Mr. Stead noted that they can stay up for 21 days before they have to be remarked if the job isn't complete. Trustee Ciganick also asked about the stump grinding costs that will be needed when Roesse Construction finishes taking down trees for the new pipeline installation. He also mentioned a portion of the sidewalk that is in dire need. Let's at least get started. President Schulz said he will discuss this with the DDA as this is something that is in the realm of what they can do.
- **Dan Bennett:** Trustee Bennett noted that our cemetery looks great.

12. Adjourn: Meeting adjourned at 8:58 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____