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Bellaire Village Council
Meeting Minutes
August 7, 2019

1. **Call to Order:** President Pro-Tem Bennett called the meeting to order at 7:00 PM.
2. **Roll Call Attendance:**
 - Present:** President Pro-Tem 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 & Margie Boyd, Linda Gallagher, Terry McBee, Mark Irwin & Christy Wilson.
3. **Approval of Agenda:** The agenda was approved with additions.
 - a) **Motion by Hardy, seconded by McPherson, to approve the agenda with the additions of new business item k, On Premise Tasting Room Permit-Mammoth Distilling, LLC, item l, Cemetery Marker and item m, CIA Resolution Request. Motion carried by voice vote.**
4. **Conflict of Interest:** None presented.
5. **Consent Agenda:** The consent agenda was approved.

Motion by Ciganick, 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) **Ordinance #2 of 2019, Alcohol Consumption:** Clerk Lockett explained that the Parks Committee previously recommended that the alcohol consumption area be expanded around the pavilion area. The attorney recommended that there be a separate reservation form for those wishing to serve alcohol and to set up some standards or rules for it. The attorney developed a proposed ordinance that has inserted permitting provisions into our existing ordinance and includes other recommendations of no glass containers. The ordinance the attorney wrote up did not include the no glass container provisions. Clerk Lockett changed his language and inserted the Parks Committee recommendation that no glass containers be allowed. Discussion occurred about allowing glass containers within the designated alcohol area only. Chief Drollinger noted that many bottles of alcohol come in glass bottles and should be allowed in a serving area. We could designate that serving area. Trustee Drollinger said by allowing it in the pavilion area only, the glass containers stay away from the other areas of the park.

Motion by Drollinger to approve Ordinance #02 of 2019, with the re-insertion of the attorney language dealing with glass containers in the designated area. Motion failed due to the lack of a second.

Trustee McPherson noted that the reservation form should include that language. Discussion about making the changes to documents and bringing the corrected copies back to Council occurred. It was noted that the Parks Committee needs to meet and this could be included on the agenda. Council agreed.

Motion by Drollinger, seconded by Ciganick, to send this issue back to the parks Committee. Motion carried by voice vote.
 - b) **Park Reservation Form/Waiver Form Amendments:** Due to the previous discussion about alcohol consumption, this item was also tabled and sent to the Parks Committee for review.
 - c) **Richardi Park Alcohol Permit & Fee:** Due to the previous discussion about alcohol consumption, this item was also tabled and sent to the Parks Committee for review.

- d) **Sewer Project Update:** Mr. Keiser informed Council that we are working with Blake Smith from the USDA, and with the attorney to finalize what is needed for the loan. Mr. Kladder from F & V noted that all if well on their end and we are in the process of obtaining the permits required to do the work. Blake Smith is working on getting the final documents to send in so we can receive closing instructions. We are waiting for the title/easement work from the attorney that will certify that we own or have easements where the sewer lines are located.
- e) **DDA Update:** Mr. Irwin informed Council that they are developing some new projects. They have identified four general projects, public restrooms, parking, way finding signage and Richardi Park improvements. As they meet and move forward, they will narrow this list down to two or three, identify funding sources and determine ways to make them happen. Mr. Irwin also brought up the BEDC and would like to take back to his Board, some definitive information from Council. He explained that this committee included people outside of the DDA to focus efforts on voicing opinions on the Antrim County Campus debate, which have since died down. This has brought up a question about whether the BEDC is a subcommittee under the Council or the DDA. It was noted that this committee was never developed or approved by Council so it was not a subcommittee of the Council. Mr. Irwin would like some direction from Council to see if this is something they would like to see developed. President Bennett said that because this was the first time hearing about this, it could not be decided tonight. Mr. Irwin noted that if Council chose to move forward with it, it could be used to help facilitate some of the Master Plan projects. No further updates were provided.
- f) **County Update-Terry VanAlstine:** Mr. VanAlstine updated Council on County matters. There was a 4-4 vote to stop the facilities Master Plan. The process has slowed down a bit. They approved tearing down the old bank building. The cost will be taken care of by the insurance company. There is no timeline in pace at the moment. They approved an employee handbook and a drug and alcohol policy. They also approved a CIP plan including the road at Barnes Park.

8. New Business:

- a) **Letter of Resignation-David Schulz:** Mr. Schulz has sold his business and moved outside of the Village limits. He has tendered his resignation from Council as of July 31, 2019.

Motion by Hardy, seconded by Schuckel, to accept the resignation from Mr. Schulz. Motion carried by voice vote.

- b) **President Nomination:** Council was asked who might like to be nominated for the position of Council President. The term would end at the next election in November 2020. President Pro Tem Dan Bennett offered to fill the position. There were no other nominations.

Motion by Drollinger, seconded by McPherson, to approve President Pro Tem Dan Bennett to fill the vacant president position until the November 2020 election. Motion carried by voice vote.

President Pro Tem Bennett was given the Oath of Office and sworn in as the Village President.

Due to the approval of President Bennett's appointment, a new President Pro tem needs to be named. President Bennett would like to appoint Trustee Ciganick as the new President Pro Tem.

Motion by Hardy, seconded by Drollinger, to accept the appointment of Trustee Ciganick as the new President Pro Tem. Motion carried by voice vote.

It was noted the next order of business is to determine the methods used to fill the vacant council seat. Discussion of placing an ad in the newspaper; on the village Face Book page and on the village website occurred. Council can fill the vacant seat from the interest forms we receive.

Motion by Bennett, seconded by McPherson, to use normal procedures to post the open seat on the Village Council, which includes an ad in the newspaper, on the Village Face Book page and on the Village website. Motion carried by voice vote.

- c) **Committee Appointments:** This item was tabled until the vacant seat on the Council is filled.

- d) **Conservation District Park Rental Fee:** The Conservation District is requesting a waiver of the park rental fee for the pavilion for their August 22, 2019 regional meeting. Trustee Drollinger said they are not a nonprofit organization and we should not waive the fee.

Motion by Ciganick, seconded by Drollinger that we do not to waive the fee for the Conservation District's regional meeting for the Richardi Park rental. Motion carried by voice vote.

e) **Public Works Committee Recommendations:**

- **Adopting Water Service Lines:** Due to the waterline replacement requirements now in place by the DEQ, if a lead gooseneck exists at a residence, it must be replaced. We currently own waterlines to the curb stop and the homeowner owns from the curb stop to inside their home. Because the line is owned by the homeowner we would have to hire a plumber to run a line the homeowner owns. This will be very costly. The village DPW can make the repairs less expensively. One way for the DPW to provide this service is to temporarily adopt the water lines, make the repairs, and then turn the line back over to the homeowner. This information caused the Public Works Committee to recommend to Village Council to authorize the temporary adoption of the water lines, defined as 30 Days (with 30-day extensions as needed), for emergency water line repairs and state mandated lead line replacement, with the expiration of municipal ownership, and the return of ownership to the property owner upon completion of the work.

Based on new information since this recommendation was made, Mr. Keiser explained that we now do not have to hire a plumber to run the lines. We would be required to hire a plumber if we are going to be completing this work with federal dollars, which is the only reason we would have to have full adoption of the lines. We are currently not planning on taking out loans for this project, so we would be able to run the new lines and not have to adopt them. Trustee Ciganick asked about liability for the 18" inside the home. Mr. Keiser said they recommended modifying our liability waiver form to include water language. He said we are waiting for the language; we will then present it to our legal counsel and then present it to Council for approval. We did contact the insurance company and confirmed that we are covered for that work. With this new information, the recommendation by the committee does not have to be made. President Bennett had a concern for a motion that the committee was going to recommend that no longer needs to be acted upon because of the new information. He said it should be removed.

Motion by McPherson, seconded by Drollinger, to remove the committee's recommendation where council no longer needs to take action. Motion carried by voice vote.

- **Leak Repair Regulations:** The committee also addressed a timeline for homeowners to repair a leak once they are notified by DPW. The committee would like to recommend giving a homeowner 30 days from notification of a leak to make repairs. Trustee Drollinger said this is prompted by a homeowner asking for forgiveness of sewer charges for a leak that didn't go into the sewer over a six month period. Mr. Keiser explained the monthly process by which we determine potential leak issues and if one exists, we notify the homeowner. If a homeowner fails to comply, penalties were discussed. Also discussed was whether to develop an individual policy for this or to amend the current water/sewer resolution. If put into the resolution, it will have to be amended and we will have to table this until the next meeting so the amendment can be completed.
- **Rental Property Water Sewer Bills/Security Deposit:** There has been discussion about unpaid water/sewer bills and code violations being placed as a lien on tax bills. The committee discussed keeping the bill with the property; however, correspondence from the attorney says the village doesn't have the right to avoid the notice of tenant responsibility provided in the Revenue Bond Act. The landlord can provide the Village written notice that he has a lease on his property with a tenant and that lease names the tenant responsible for the water/sewer bills. A sample form that can be used was presented to Council for approval. Due to this, the committee discussed requiring a security deposit. President Schulz suggested this go to the Public Works Committee to work out the details. Trustee Ciganick reminded Council of the costs of renting. First & last month's rent; a security deposit for the rental and now to add a security deposit for water/sewer, this will make it difficult for some renters. The email from the attorney noting the language in the ordinance

pertaining to delinquent water/sewer bills and when they are turned off for nonpayment was discussed. This was sent to committee for further review.

- **Late Payment Courtesy Calls:** The committee discussed the courtesy calls given to customers that are due for shut off due to nonpayment. Clerk Lockett explained that this has to do with the number of calls and grace period if they call and ask for additional time to pay. It does say in the resolution, that if they initiate the call, they additional time if usually granted. The committee is recommending that after three courtesy calls for late payment, no additional grace period be allotted before shut off occurs. Treasurer Odom said the resolution states we will call three times a year. Staff is asking to change that to three calls total because we are calling the same people all the time. Some don't pay it until they receive our call and it is not our responsibility to remind customers to pay their bills. It was noted that the recommendation covers the suggested changes. Staff will make the changes in the resolution and bring it back to the next council meeting for approval.

- f) **Water/Sewer Rates:** This is on the agenda as a reminder to Council that the closing of the USDA loan is projected to be set up in October and the increase in rates will have to be addressed. Staff is waiting for a response from Mr. Engels from MRWA to make sure we have copies with the correct rates to make sure we approve what is needed. Tabled until the next meeting for further clarification.
- g) **Water Bill Adjustments:** There are two adjustments to consider. One is for Craven Park. When approved to remove overages from the bill due to the leak, Council did not address the removal of penalties charges.

Motion by Drollinger, seconded by McPherson, to remove penalty charges from the Craven Park water/sewer account due to a leak. Motion carried by voice vote.

The second is for 906 N. Bridge. This account was turned back on when Council approved charging ready to serve fees whether service was on or off. When this account was turned back on the computer charges \$231.55 that it should not have charged. They are all ready to serve fees, which for this account is \$38.59 per month.

Motion by McPherson, seconded by Hardy, to adjust the ready to serve fees for 906 N. Bridge St. Motion carried by voice vote.

- h) **4H Water Line Leak:** Mr. Keiser informed Council that when 4H was completing their renovations at their building, even with the blue paint marking where our lines were, they proceeded to dig right through our water line when running their new electrical. They ran over the valve and cut through the water line. There were five different spots and we worked diligently to complete the repairs in time for the fair. Mr. Sizen from the Fair Board approached us about putting together a bill for the repairs so they can give it to the electrician and staff would like Council approval to send the invoice.

Motion by Bennett, seconded by McPherson, that the repair of the water line at 4H be invoiced to the electric company. Motion carried by voice vote.

- i) **Craven Campground Closure Date:** Last year Council approved closing the campground November 30, however, closing it that late doesn't allow enough time for DPW to clean up the park before winter hits. Staff is seeking permission to change the campground closing date back to October 31. It was noted that the Parks Committee addressed this previously but there was no recommendation made. It was also noted that the revenue made did not cover costs incurred.

Motion by Drollinger, seconded by Schuckel, to close Craven Park on October 31st. Motion carried by voice vote.

- j) **Richardi Park Pavilion-Water Service:** Someone had rented the pavilion but found that there was no access to water. There is a water spicket at the pavilion that usually supplies water, but after inspection, a leak was found. There has been no complaint by anyone else who has rented the pavilion prior to this event making us unaware of any problem. Because they had to supply their own water, the renter is asking for a refund or help with the cost of next year's rental. It was noted that there is nothing in the rental agreement that says we will supply water. Council discussed refunding 50% or consideration for next year's event. Trustee Ciganick suggested a free rental for next year.

Motion by Drollinger, seconded by Schuckel, to refund 50% of what they paid to use the park this year. Ayes: 3 (Drollinger, Schuckel & Hardy). Nays 3 (Ciganick, McPherson & Bennett). Motion failed due to a tie.

Motion by Ciganick, seconded by McPherson, to offer them a free rental for next year. Ayes: 4 (Ciganick, McPherson, Bennett & Hardy). Nays: 2 (Drollinger & Schuckel). Motion carried by voice vote.

Trustee Ciganick & McPherson suggested amending the reservation form to clarify what is included or excluded with the rental.

- k) **On Premise Tasting Room Permit-Mammoth Distilling, LLC:** We received a request from an attorney on behalf of Mammoth Distilling, LLC for a new small wine maker license with on premise tasting room permit. This request requires approval from the local governing body by resolution. Clerk Lockett explained that production is not allowed in the Central Business District, but the aging process is. Because they are licensing through the Liquor Control Commission, they require that a component of their distillation process happen on site thus allowing the aging process. She said it is the same for wine making. They will be bringing product in from their Central Lake location. Trustee Ciganick said they are basically asking to taste test wine at the location downtown, which requires a separate license and approval.

Motion by McPherson, seconded by Drollinger, to approve Resolution #19 of 2019, approving Mammoth Distilling's request for a new small wine maker license with on premise tasting room. Motion carried by roll call vote. Ayes: McPherson, Drollinger, Ciganick, Hardy, Schuckel & Bennett. Nays: None.

- l) **Cemetery Marker:** The cemetery mower hit a military marker causing some damage to it. It was noted that we have a \$500 deductible on our insurance policy and the last time we replaced a marker the total cost was about \$2,000. President Bennett suggested checking with the military to see if they have a replacement process. Mr. Keiser said he spoke with Mr. Mortensen who said he believes it would be up to us to replace. Mr. VanAlstine said there are no provisions to replace damaged markers with Trustee Drollinger and McPherson noted that it was our error and they should not have to replace it.

Motion by Drollinger, seconded by Hardy, to replace the marker and send in the invoice to our insurance company. Motion carried by voice vote.

- m) **CIA Resolution Request:** Annually the CIA has a murder mystery fundraising event. This year they would like to try having a millionaire party, which is governed by the Michigan Gaming Commission and requires approval of the local governing body by resolution. They want to bring in poker tables and have a tournament. Approval of the resolution acknowledges the existence of the organization and their work in the community. There is no liability or fees to the Village.

Motion by Hardy, seconded by McPherson, to approve Resolution #20 of 2019, approving the request from the CIA to provide a Millionaire Party for their fundraising efforts. Motion carried by roll call vote. Ayes: Hardy, McPherson, Ciganick, Drollinger, Schuckel & Bennett. Nays: None.

9. Discussion Items:

- a) **MML Annual Convention:** FYI-The annual convention for MML is being held in Detroit, September 25-27, 2019.

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:** None presented.
- c) **Treasurer/Deputy Clerk:** None presented.
- d) **Department of Public Works:** DPW is moving forward with the installation of the dock at Ohio St. and has been fixing water leaks.

- e) **Police Department:** President Schulz suggested having active shooter training available for downtown. Chief Drollinger said he would be willing to put something together if they would like to proceed. Chief Drollinger said we received two applicants for the part time officer position so the Administration Committee can set up a meeting to review applications. Pedestrians walking all over downtown, sometimes not at crosswalks, was discussed. Chief Drollinger noted that signs can only be used in designated crosswalks. Signs and removal of a curb cut for non crosswalk areas was discussed. Also discussed was a crosswalk at Birch & Cayuga St.
- f) **Planning Commission:** Chief Drollinger informed Council that he has spoken with the attorney who is recommending that the Planning Commission meets on a more frequent basis and the meeting can be cancelled if nothing ends up on the agenda. He said one thing they will be addressing is setbacks and clarification for use of RV's when remodeling or for long term care.

11. Closing Member/Public Comment:

- **Trustee Ciganick:** Will Council be discussing the EDC at the next meeting? President Bennett said he will look into it.

12. Adjourn: Meeting adjourned at 8:25 P.M.

Compiled by Cathy Odom
Minutes are subject to approval.

Approved: _____

Date: _____