

The regular meeting of the Elberta Village Council was held on Thursday, June 20, 2013 at 7:00 p.m. at the Community Building, 401 First Street, Elberta.

The Pledge of Allegiance was recited at the beginning of the meeting.

Present: President Pro-Tem, Jenks, Bower, L.Manville, Holmes, Gatrell and Wilkins.

Absent: R.Manville and Stapleton.

Guests: Ken Bonney, Emily Votruba, Carolee Ness, Lois Schram, Scott Gest, Sharon May, Loy Putney, George Bast, Karen Roberts, Marcia Stobie, Cheryl Gross, Gary Richardson, Ron and Francine McPherson, Dick and Jan Robb, Bob and Greta Zwinck, Fred and Carolyn Forsythe, Jim and Pat Laarman, Denis and Eileen Canaert, J.R. Duncan, Charlie Hendershott.

Jenks said that this was the third meeting without the Village President and she was again sitting as President Pro-Tem. She said that Stapleton had called and said that he would be unable to make the meeting.

APPROVAL OF MINUTES: L.Manville said that the May minutes had stated that the meeting had started at 7:00 p.m. She said that was incorrect as the Council had waited for the Village President to arrive and didn't start the meeting until 7:10 p.m. It was also noted that the minutes said that P&R has hired security for this years' Solstice Festival and that was also incorrect. P&R have not hired security for this year's event. L.Manville also read that portion of the May minutes concerning the correction of the April minutes that addressed the definition of Apartment in the Zoning Ordinance. Motion by Holmes supported by L.Manville to approved the corrected May minutes. Yeas – 5.

#### APPROVAL OF AGENDA:

Jencks said there were several additions to the Agenda: #3 – Dune Park bid; #4 – Lakes to Land presentation; #5 – Wage and Probationary period for a new hire. Motion by L.Manville supported by Gatrell to approve the agenda with the additions of #'s 3, 4, and 5. Yeas – 5.

#### PUBLIC COMMENT:

Ron McPherson who has a home at 361 Crapo, complained about the condition of his yard and sidewalk due to the Village plow/sander truck. He said that Bonney had told him it was on the Village's right-of-way (which is 25' from the center of the road.) McPherson was very unhappy with the issue and would like to see in writing that it is on the Village's right-of-way. Jenks said that she would look into it.

Marcia Stobie said that the Planning Commission is continuing work on updating the Village's Zoning Map. She also said that Votruba is working on the updates of the ZO for the Village's website.

Stobie said that she will resign from the Planning Commission in December of this year. She said that it has been a very difficult time for a lot of people, many of whom are volunteers. Stobie also said that things are moving ahead. Stobie was thanked for all of her work.

J.R. Duncan said that he had had a fireworks display at his residence last year. He had gone thru all of the legal channels to do so. Duncan said that it had been very successful and would like to have a larger area for this year's display which he plans to do on June 29<sup>th</sup>. He asked the Council for permission to put on the display at the Waterfront Park. Several Council members expressed concern over the liability issues as it would be on public property. It was also noted that the Village's insurance carrier only allows for professional shooters. The Council suggested that he continue the display at his residence.

#### CORRESPONDENCE:

A letter from the Benzie County Sheriff's Department offering summer patrol services was discussed. The cost would be \$45.00 per hour and would enhance the basic emergency response already in place. The Council wasn't in favor of entering into such an agreement.

Spring clean-up was discussed.

#### APPROVAL OF THE BILLS:

L.Manville said the receipt report showed receipts for the month of May of \$36,261.92. Motion by L.Manville supported by Holmes to approve for the month of May the accounting checks in the amount of \$33,552.81 (which includes \$561.67 for P&R and \$364.47 for Solstice) and payroll \$11,984.41 for a total of \$45,537.22. Yeas – 5.

Department heads were heard from.

DPW Superintendent: Bonney discussed various activities in the DPW and the Village. Bower was asked if the BLUA payments were current. She said to the best of her knowledge it was current. Wilkins asked if you can approve the bills that already have been paid. Bower said the Council had passed a resolution addressing the approval of bills that have already been paid. This was at the suggestion of the Village auditor. Bower said the monthly usage is quite high. Bonney said this due to ground water infiltration. He said the Village is sending more to BLUA than we are pumping in our wells.

BLUA: Jenks said the BLUA Board had discussed the budget.

P&R: Wilkins apologized for not having the minutes done for the last P&R meeting. She said that Connie Manke had resigned from P&R due to moving out of town. Wilkins said work is being done on a grant for the Farmer's Market. She said that she is confused on the financial report for P&R/Solstice. Wilkins said in regard to the Solstice she would like a report that would show who has paid. She said it would be beneficial to be able to

keep track of. Holmes said there always seems to be a complaint from P&R concerning the financials. L.Manville said that the report could be more user friendly. Jenks said that she would call Stapleton and Gatrell to meet with the Treasurer and Wilkins to go over the report.

Marina/Farmer's Market: Wilkins said that the Farmer's Market has had good crowds.

Beach: Wilkins discussed the driving on the beach. Jenks said that she would call the Sheriff's Department to see how many calls they are getting concerning the driving on the beach. Bonney said that he would be putting up the signs along the sides of the road and at the end of the road.

Zoning Administrator: Bonney said that he had nothing to report.

President's Report: Jenks reported as President Pro-Tem. She said a policy and procedure manual is being worked on and she hopes to have a rough draft ready for the Council at a future date. Jenks said the manual would include job descriptions, by-laws for both the Planning Commission and P&R, applications for volunteers, and to also include future goals for the Village. Jenks said a public hearing and special meeting is scheduled for July 9 concerning the Bay Valley Inn property. L.Manville inquired if the audit had been scheduled. Bower said that it had been completed and should be ready for the Council soon. L.Manville thanked Stobie for her work on the PC and Wilkins for all of her work for the Solstice.

Municipal Buildings: Jenks asked that it be researched if the Village could afford to put a new roof on the library. She also inquired if the Township would be willing or could afford to contribute to the roof. Bower will check with the Township Board.

Employee Relations: It was noted that there is an ad in the Record Patriot for a new employee for the DPW.

Planning Commission: L.Manville thanked Stobie for all of her leadership skills in guiding the PC.

#### AGENDA:

1D/A Beach Road. Jenks thanked Cheryl Gross for all of work she has done on the Beach Road. Jenks said that Gross would give a presentation on the Beach Road. Gross passed out packets of information labeled Dunes Neighbors' Improved Public Access Development Plan Elberta Beach. See attached. Gross discussed the plan at length. She outlined the desire by the Dunes Neighbors' to help the Village improve access to the beach and to help the Village provide more parking. Gross also discussed a 6 step plan as created by the Dunes Neighbors' which entailed signage, permits, a non-profit partner to administer the collection and disbursement of funds, Council approval of plan, estimates for materials needed for road and parking areas, port-a-john, Mutt Mitts, waste containers, secure estimates for private property definition and to prepare

presentation materials for funding sources and make funding source visits and to decide funds collection and payable procedures. Bonney said that he is working on getting the needed permit. Gross said the plan is a working document and they would welcome questions and suggestions. Jenks said that it was a great step forward. Motion by Gattrell supported by Holmes to support the Dunes Neighbors' Improved Public Access Development Plan Elberta Beach. Roll call: L.Manville – yes, Holmes – Yes, Gattrell – yes, Wilkins – yes and Jenks – yes. Approved

2.D/A Tax Foreclosure in Village. Jenks explained that the Village was recently notified that there is a tax foreclosure on a Village property located at 755 Frankfort Avenue. The General Property Tax Act established a procedure for the State and local municipalities to purchase foreclosed properties prior to public auction. The State has the first right of refusal and then the municipality or township in which the property is located. The Act says that the purchase must be for governmental purpose and for public use. Motion by L.Manville supported by Holmes to decline to purchase the property. Yeas – 5.

3.D/A Dune Park Bid Bonney said that Village advertised for bids for the a driveway and parking area for the Elberta South Dune Park. Bonney said that all of the bids were good. The bids were as follows: Ron Brown & sons - \$4,744, Bradley Sand & Gravel - \$4,378, Kerby's Backhoe Service - \$4,140. Motion by L.Manville supported by Wilkins to accept Kerby's bid of \$4,140 for the project. Roll call: L.Manville – yes, Holmes – yes, Gattrell – yes, Wilkins – yes and Jenks – yes. Approved

4.D/A Lakes to Land – Sharon May. L.Manville thanked Sharon May for coming to the meeting to give a presentation on the Lakes to Land Regional Initiative. May thanked the Council for inviting her to give a presentation. She said that she would like a resolution of support from the Council for the Competitive Grant Assistance Program Grant Lakes to Land Initiative Implementation. May said the grant is for \$115,000 and will allow for several townships, villages and cities in Manistee and Benzie Counties who are resolved to participate in the Lakes to Land Initiative to receive financial and technical assistance to develop masters plans and a collaborative implementation strategy. She said there will be Master Plan Priority Share meeting on June 27, 2013 from 6-9 pm at Pleasant Valley Community Center in Arcadia. She said there would be representatives from both State and Federal agencies present to answer questions, etc. The Council was very appreciative of May's presentation. Motion by L.Manville supported by Holmes to adopt a resolution of support for the Competitive Grant Assistance Program Grant and to further authorize the President Pro-Tem, Diane Jenks, to sign the resolution. L.Manville read the last paragraph of the resolution as follows: Now, Therefore, Be It Resolved that our municipal unit of government recognizes this grant award as meaningful implementation assistance for the Lakes to Land Initiative and looks forward to participating in and benefiting from the services and programs that will be provided and developed, in keeping with our master plan and the priorities it establishes. Roll call: L.Manville – yes, Holmes – yes, Gattrell – yes, Wilkins – yes, Jenks – yes. Approved

5.D/A Wages and Probationary Period for New Hire. Wages for a new hire were discussed. Bower said that it states in the ad that pay will be based on experience. She said that the Council had previously passed a probationary period of 90, 180, 270 and 360 days for new hires.

Public comment was heard.

Ron McPherson would like proof of the 25' Village right-of-way from the center of the street. Jenks said that she would get it for him.

Dick Robb suggested to Bonney a device that is sold for securing signage.

Scott Gest discussed a grant program that doesn't require a match. He will send the information to the office.

Gatrell asked Wilkins if there would be more children's playground equipment replaced in Anderson Park. Wilkins suggested requests be brought to the P&R meetings.

L.Manville said that she was disappointed the Village President hasn't showed up for several meetings and hasn't given notice that he wouldn't attend. She said that she found this irresponsible to the Council and guests.

Motion accepted to adjourn.  
Sharyn Bower, Clerk  
Village of Elberta

June 20, 2013  
Village Council Meeting

Statement read at close of meeting

“I would like to say that I am personally disappointed in the absence of our village president for the third month in a row. I’m not sure how notification of his absence is submitted or how it should be disseminated. It was obvious at the May meeting that our president pro tem was not aware of his intended absence. Council and our guests waited for his arrival until about 7:07 PM. By 7:10 we were advised that he would not be in attendance. The meeting was then called to order. I find this behavior irresponsible and disrespectful to our guests and voters as well as my fellow trustees present that night.”

Linda Manville  
Trustee