

The regular meeting of the Elberta Village Council was held at the Community Building, Thursday, May 17, 2012.

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

Present: R. Manville, Jenks, Bower, L. Manville, Holmes, Thorsen, Soper and Stapleton (7:06).

Absent: None

Guests: Cheryl Gross, Eileen Canaert, Laura Manville, Emily Votruba, Carolee Ness, Ken Bonney, Connie Manke, Charlie Hendershott, Jen Wilkens, Jon Drury, Joyce Gatrell, Jeff Sandman, Richard and Jan Robb, Don Tanner, Lois Schram, Dan Rusch, Grace Williams, Bob and Greta Zwinck, Fred and Carolyn Forsythe, Rena Rose, Scott Gest, Aaron Beyette, Adrian Poulisse and Eric VanDussen.

APPROVAL OF MINUTES:

Motion by Holmes supported by L. Manville to approve the minutes from the regular meeting of April 19, 2012, the public hearing of the Zoning Board of Appeals on April 25, 2012 and the special meeting of May 4, 2012. Yeas - 6.

APPROVAL OF AGENDA:

Motion by L. Manville supported by Jenks to approve the proposed agenda. Yeas - 6.

PUBLIC COMMENT:

Don Tanner introduced himself and said that he was running for County Commissioner as a representative of our district. He described various activities that he had been involved in as Commissioner. Tanner reported on several upcoming events at the County level.

Eric VanDussen discussed the controversy concerning the beach road (Lakeside Blvd.). He said there is a discrepancy as to where the road is actually located. VanDussen doesn't believe the Village owns the road. He said that he didn't believe that one Council member and the DPW personnel have the right to close the road. VanDussen discussed the minutes of the November, 2011, meeting at which Jenks was present. He said there was no mention of barricading the road at that time. VanDussen also said that Jenks was quoted in the Elberta Alert as saying there was no decision on the road, that it wasn't our decision to make. He also said that Jenks was quoted as saying that the beach could be accessed by foot. VanDussen asked when did she warn the public that the road would be closed. He said that he felt due process was lacking. VanDussen said there is a solution but not by blocking the road. He also disputed that the DPW had taken care of the road for 10 years as stated in a resolution in 2008.

Correspondence

APPROVAL OF BILLS:

L. Manville said the receipt report showed a total of \$140,917.90. Motion by L. Manville supported by Holmes to approve the accounting checks - \$139,187.74 plus \$97.61 for Solstice Festival and \$9,783.43 in payroll for April 1 thru April 30, 2012. Yeas - 7. Laura

Manville asked L.Manville if the financial information that she had provided was what she wanted. L.Manville said that was what she had wanted.

Department heads were heard from.

DPW: K.Bonney discussed DPW activities. R.Manville reminded Bonney that the Village dumpster in the park has to be enclosed. Bonney said that was on his list for next week. R.Manville said not to let up on the dumpster owners who had been sent letters.

Water/Sewer/BLUA: Holmes reported on BLUA.

P&R: Laura Manville asked Manke if she had received a budget as she had given copies of the budget to Melendez back in March. Manke indicated that she hadn't received them. Soper said the Farmer's Market had open today. He said not many vendors had showed up but it was still early.

Beach: Thorsen said that Sue Oseland and volunteers had picked up six bags of garbage on the beach.

President's Report: R.Manville said that he had attended a beach meeting with several Council members, DPW, DEQ, DNR, Gest, etc. He had a meeting with Gest and had talked with the Village attorney, Ed Roy.

Municipal Buildings: Thorsen said that Odette Electrical had worked on electricity at LSS.

Master Plan: L.Manville said that she had attended the Planning Commission meeting. She said that the P.C. won't meet again until September.

AGENDA:

1.D/A Beach. R.Manville turned the beach issue over to Jenks. Jenks discussed the beach issue. She said that she had attended a meeting at the beach on May 16, 2012. Various representatives of the Village were there as well as representatives from the DNR and the DEQ. Jenks said the objective of the meeting was to implement the short and long term goals for utilization and preservation of Thelma's Cradle and Lakeside Blvd. (See attached).

Holmes said that no one had the right to drive off the road as it is privately owned.

R.Manville said that he felt that we had the right to block the road.

Holmes discussed the history of the road and the area surrounding it.

R.Manville said that it is important to establish ownership of the road.

Several maps were offered from the audience which didn't show Lakeside Blvd. as a Village Street. It was thought they were Act 51 maps which wouldn't necessarily show Lakeside Blvd. Various options were discussed: improving the road in phases, close the

road and restrict it to foot traffic, temporarily close the road, close the road at night and open it in the morning.

R.Manville said that he felt it was Sand Products problem as it involved their property.

Jenks said that Sand products property and other private property is being accessed by the Village=s road.

R.Manville said that Sand Products should be more involved with solving the problem. He said that he thought closing the road would cause a huge mess.

Jenks said that Phase I could include improving the road and parking area. She said Phase II would continue with the improvements.

L.Manville said the critical dunes is owned by Sand Products. She said that she is an elected official and has sworn to uphold the laws of the State of Michigan. L.Manville said that it is unlawful to drive on the dunes and she feels it is important to protect the dunes and surrounding area.

Soper questioned ownership of the road. He said maybe the issue should be tabled until ownership could be established.

Stapleton felt that no decision could be made until we find out who actually owns the road. He asked if there was a document showing ownership.

Holmes discussed the document from 1907 at length.

Stapleton dislikes the argument that Athat=s the way it=s always been@. He said he would like to see proof of road ownership.

Holmes said the end of Lakeside Blvd. lines up with our water tank on the hill. He said the first gate was put up in 1977. Holmes claimed it is Village property. Holmes said we should close the road and improve it section by section or leave it open.

Soper asked if the Village has a legal document as to ownership.

Gest said that Gordie Fraser did the survey on the road. The dimensions of the road are surveyor certified.

Holmes thought the road should be blocked off and improved in phases. He said that vehicles can=t go very far on our road in its present condition. Holmes said that when he worked for the Village in the 70's he closed the gate at night and opened it in the morning.

Stapleton said that he enjoyed the lively conversation.

Jenks said the gate could be torn down again.

Stapleton said the road could be accessed daily. He said the Council should try and find a solution. Stapleton suggested signage. He said that the Council didn=t need to make a decision immediately.

The Council felt that Sand Products never followed up with their plans.

Jenks said it is the goal to improve the road and put in parking with long term and short term goals.

R.Manville said we need to stop the nighttime travel but policing it would be difficult.

Motion by Holmes to put up a gate and close it at night and open it during the day.

More discussion followed.

Soper made a motion to improve the road. It was pointed out there was already a motion on the floor by Holmes. Holmes= motion died for lack of support.

Motion by Holmes supported by R.Manville to put the gate back up and close it at night and open it during the day (just beyond the cedar trees)and to do Phase I by improving the road and parking and to notify the public. Yeas - 5 Nays - 2 Thorsen and Soper. The council agreed it is the long term goal to keep the road open 24/7.

2.D/A Mini Pond. Motion by Soper supported by R.Manville to remove the existing dock sections and concrete pads at the Mini Pond. Yeas - 7. A permit may be necessary.

Public Comment was heard.

Jon Drury said that speeding is still a problem on Furnace Avenue.

Cheryl Gross said that automobiles are illegal in the area surrounding the road. She pointed out that the Village owns property on the south side of Sand Products property. Gross said that she had attended a meeting four years ago with various entities. She said at that time Sand Products was interested in protecting the dunes.

Dean Rusch discussed the road. He asked if we owned the road and the strip of beach. He felt the Village needed to establish the location of the road and ownership.

Dick Robb asked if an ordinance had been made. He said the road could be condemned; change its usage and enforce it. It would protect the citizens.

Bob Zwinck also discussed th road.

Fred Forsythe discussed creating an ordinance for that area. He suggested some sort of barrier be formed.

Several audience members said they thought that there was supposed to be an ordinance in accordance with the meeting of four years ago.

Jeff Sandman said that if someone is driving on private property he would expect them to put up a fence not a gate.

Don Tanner suggested putting together a good plan and continue developing it into a fine resource.

Adrian Poullisse said there should be transparency.

Eric VanDussen discussed signage. He asked that the Village not prohibit use of the road. He said the DPW makes big tracks in the sand when they put out the boardwalk.

L.Manville thanked Jenks, Bower and Bonney for all that they've done especially the last month. She said she hoped they have an ordinance to present at the June meeting.

Stapleton asked that the agenda be revisited. Stapleton said that he felt there were still too many unanswered questions concerning the beach road to make any decisions. Motion by Stapleton supported by Soper to rescind the previous motion concerning the beach road. Yeas - 6 Nay - 1 Holmes. Possibly having a public hearing at the June meeting was discussed.

Gest discussed the historical pieces that the Historical committee wishes to preserve. He said there is no clear plan. Gest said it is possible the whole preservation project may fail. Motion accepted to adjourn at 9:50 pm.

Sharyn Bower, Clerk
Village of Elberta