

The regular meeting of the Elberta Village Council was held on Thursday, March 21, 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: R. Manville, Bower, Jenks, Holmes, Gatrell, Wilkins and Stapleton.

Absent: L. Manville

Guests: Ken Bonney, Emily Votruba, Carolee Ness, Marcia Stobie, Charlie Hendershott, Loy Putney, Max Kessler, Don Tanner, Cheryl Gross and Sue Oseland.

APPROVAL OF MINUTES: Motion by Holmes supported by Gatrell to approve the minutes from the public hearing and regular meeting of February 21, 2013. Yeas – 6.

APPROVAL OF AGENDA:

Holmes said that he would like “who is authorized to speak to the Village Attorney” added to the agenda. Motion by Holmes supported by Jenks to approve the proposed agenda with the addition of #6 – Who is authorized to speak to the Village Attorney.. Yeas – 6.

PUBLIC COMMENT:

Don Tanner, County Commissioner representative for our area, reported on several State legislative activities as well as County activities.

Cheryl Gross asked about the sign posts that the State has placed near the Elberta South Dunes Park. She felt that the signs would be in front of the park signs and in the middle of the proposed parking area. Gross said that she felt that the meeting date changes should have been put on the Village website. She also discussed the beach area.

CORRESPONDENCE: A copy of a letter sent from North Star Marina to the DNR concerning dredging on Betsie Bay was in the packets. The letter was a

request to the DNR to also include dredging on the South side of Betsie Bay. The Council discussed the future dredging on Betsie Bay.

APPROVAL OF THE BILLS:

The receipt report showed receipts for the month of February of \$17,624.96. Motion by Holmes supported by Gatrell to approve for the month of February the accounting checks in the amount of \$11,270.47 (which includes \$1,372.76 for P&R and \$219.21 for Solstice Festival) and payroll \$11,270.47. Yeas – 6.

Department heads were heard from.

DPW Superintendent: Bonney discussed various activities in the DPW and the Village.

BLUA: Holmes discussed that they are still looking for a worker at BLUA. He said the plant is running well.

P&R: Wilkins discussed fund raisers. She also reported on preparations for the Solstice Festival. Wilkins said that several amendments to the P&R by-laws will be presented at the April Council meeting for Council approval.

Marina/Farmer's Market: Wilkins said the new hours for the Farmer's market will be 8:30 a.m. to 1 p.m. The market will still be held on Thursdays.

Beach: R.Manville asked Bonney when the boardwalk would be put out at the beach. Bonney said it would depend on the weather.

President's Report: R.Manville said that he had talked previously in the meeting discussing the boardwalk and the dredging.

Budget Committee: R.Manville discussed financing for repairs and maintenance for the LSS. He suggested that Solstice Account funds could be used for this purpose. Holmes agreed that money earned from the Solstice should be used for the LSS. He said that Thorsen has done a wonderful job

on the work at the LSS. Stapleton said that P&R could discuss this if they have a proposal on the projected costs.

Fire & Safety: Holmes said that he had discussed the Fire Department budget with Josh Mills. He said they won't have the needed figures until after they see what Crystal Lake is going to do. Crystal Lake Township is going for a fire millage.

Municipal Buildings: Bonney was asked about the Library roof bids. He said that he had received 4 bids. The highest was \$12,862 and the lowest was \$6,706. Bonney reported that the whole building is in bad shape. He said it is going to take a lot of money to fix it. Bonney suggested consolidating all activities into the Community Building. R.Manville asked Bower as Township Clerk if the voting precinct could be changed to the Community Building. Bower said that it could be changed. She said there were no elections projected for this year at this time. She said it would give her plenty of time for all of the noticing that she would have to do for the change in the voting precinct.

Planning Commission: Stobie said the April PC meeting has been rescheduled for April 16. She said there will be two public hearings held in conjunction with the meeting. The public hearings are for the following: to accept public comments for a proposed amendment to the Zoning Ordinance concerning apartments and to hear public comments on Loy Putney's applications for a special use permit and a site plan review for his property formerly known as the Bay Valley Inn. Stobie said she is working with the County's Equalization department in creating a zoning map that encompasses all of the Village.

AGENDA:

1.D/A Zoning Ordinance Review – Service Agreement. Stobie discussed the proposed Service Agreement between the Village and

Extension Greening Michigan Institute Land Use Educator at Michigan State University. She said the agreement states that the price for the critique is not to exceed \$1,500 plus expenses, unless more work is asked for but in no case will the total contract price exceed \$4,999. Motion by Jenks supported by Holmes to approve the proposed agreement as presented and to authorize the Village President to execute the agreement. Yeas – 6.

2.D/A Pay Pal – Solstice Festival. Motion by Jenks supported by Gatrell to approve the pay pal button for the Solstice Festival. Yeas – 6.

3.D/A Consumers Energy Resolution. Bower explained that in order to place the two new street lights, the existing contract with Consumers Energy needs to be changed. Motion by Stapleton supported by Jenks to adopt a resolution to authorize Consumers Energy to make changes in the lighting services as provided in the Standard Lighting Contract between the Company and the Village. Yeas – 6.

4.D/A Library Roof Bids. Motion by Holmes supported by Jenks to table the Library Building issue until the May meeting. Yeas – 6.

5. D/A ELSS – Establish Non-Profit Service Organization. Sue Oseland gave a presentation on the forming of a nonprofit 501(3)(c). She said as the Village doesn't have the funds for r/m on historic buildings it would be beneficial to form a grass-roots, non-profit, volunteer community service organization to address these issues. She said it would be their intent to form a 501(3)(c) for the purpose of securing funding for the continued restoration/revitalization of Elberta historical buildings specifically the LSS and the Roundhouse ruins. Oseland asked to use the LSS donations from the open house that was held in the Spring for legal services in conjunction with forming a 501(3)(c). R.Manville said that Village funds could not legally be used for this. Oseland further discussed the project. She received many suggestions of who to talk to concerning the establishment of a service organization such as this. Oseland will follow up and make a presentation at the next meeting. R.Manville thanked Oseland for her presentation.

6. D/A Authorization to Speak to Village Attorney. R.Manville said

that basically there is a protocol for speaking to the Village Attorney. He said that he had meetings with and talked to the Village Attorneys. R.Manville said that it had been necessary for the PC to contact the attorneys for advice concerning the ZO amendments and the upcoming public hearings for the amendment and the Putney special use application and site plan review. He also said that it was sometimes necessary for the Office to contact our legal representatives.

Public comment was heard.

Don Tanner discussed the dredging of the bay

Oseland said that Sleeping Bear Park Service would like to know the locations of any dead birds found on area beaches.

Stobie discussed the library building.

Emily Votruba said that she didn't think the Solstice funds should be turned over for use for r/m for the LSS. She said that the Solstice committee works very hard and it should be up to them where they put the money earned from the festival. R.Manville corrected Votruba and said the money belongs to the Village and it doesn't belong to the Solstice committee. He said that the Council is the governing body and the money belongs to the Village not P&R or the Solstice committee. Jenks thought the Solstice committee should keep the money and doesn't think the Council has the right to take it from them. The issue was discussed at length.

Motion accepted to adjourn.

Sharyn Bower, Clerk
Village of Elberta