

MINUTES

Special Meeting of the Elberta Village Council
401 First St (Community Building) Elberta
August 9th, 2017
10:00 AM

Call to Order at 10:00 am by President Pro Tempore O'Dwyer

Pledge of Allegiance

Roll Call. Present: Ken Holmes, Holly O'Dwyer, Bill Soper, Joyce Gatrell. Absent: None. One
Vacancy

No conflict of interest was stated.

Public Input:

- Andy Bolander stated that the Village is unable to adequately manage the beach area. The Village needs to deed the beach property to the State or National Park to take over.

- Robin Rommell disagreed. Wants the Village to get it right. Doesn't want the Wild West. Grant stipulates public access must be protected. Work toward a goal. Safety of people and dunes must be protected.

- Jon Keillor stated that public property must be used appropriately. Must be protected.

- Eric VanDussen asked what authority does the Village have to make a decision? Can the Village even take action? Referenced previous Council action to place a fence restricting access to the beach. He tore it down. Special prosecutor determined the Village did not have legal basis to establish the gate. Not prosecuted. Stated that violence happens everywhere.

Special Meeting Agenda Item: Elberta Beach

Invited guests were introduced: Parks & Recreation Commission (Emily Votruba, Andy Bollander, Jon Keillor, Bill Soper, Jennifer Wilkins); Planning Commission (Robin Rommell); Sand Products Corp. (Chuck Canestraight); Benzie-Leelanau District Health Department (Tom Fountain, Eric Johnston); MDEQ (Robin Schmidt, Holly Pennoni); MDNR (C.O. Rebecca Hopkins, C.O. Justin Vanderlin); MSP (John Schneider, Jeff Crofoot); Sheriff's Office (Ted Schendel, Kyle Rosa); County Prosecutor (Sara Swanson).

Jon Keillor read a prepared statement regarding the past effort to deal with issues on the beach, the current status of public access, and his hope for community action to deal with misuse.

"I would like to thank the council for arranging for this meeting/workshop and thank everyone for attending. It is obvious from the participation that we have a problem that needs to be corrected."

1 *My name is Jon Keillor and my wife and I have been residents of the Village for the past 30*
2 *years. We have been fortunate enough to be born and raised in this beautiful area, raised a*
3 *family here and have watched our grand children grow up in the area. It is a privilege that*
4 *comes with some responsibility that we do not take lightly.*

5
6 *Unfortunately, many of us have been here several times over the years to discuss these same*
7 *issues. There have been numerous meetings in the past and here we are again. And also keep in*
8 *mind that there have been numerous efforts in the past to control this property. It is not because*
9 *we have not tried. It is because a few bad apples have managed to spoil our efforts. I hope and*
10 *pray that those days will come to an end. What we apparently have is a public easement across*
11 *private property that is owned by Sand Products, all of which lies within the Village limits. I*
12 *believe that the owner, Sand Products, the Village, the Health Department, the DEQ the DNR*
13 *and the police all have the authority to control the use of this property using current laws and*
14 *new ordinances as applicable. However, there has to be appropriate signs and fencing in place*
15 *in order to enforce existing laws and any new ordinances that may have to be adopted.*

16
17 *This year's activities at the beach were the same old thing and involve trespassing, illegal*
18 *camping, driving motorized vehicles on the dunes and beach, and damaging critical dune areas*
19 *and endangered plants. There are no sanitary facilities in the area, and once again, the garbage,*
20 *trash and human waste left behind created the usual mess. The surrounding woods and bushes*
21 *become everyone's bathroom. The 4th fell on a Tuesday this year, resulting in a smaller crowd,*
22 *however the problem is ongoing throughout the summer.*

23
24 *In addition, the activities reached a new low this year when a young man was severely beaten*
25 *and hospitalized with facial and skull fractures. The situation in this area has become*
26 *dangerous and is only going to escalate if we don't find a way to control it.*

27
28 *My wife and I took hundreds of pictures before, during and after the 4th of July activities,*
29 *showing the number of campers, the garbage and waste, vehicles on the beach and dunes and the*
30 *damage to critical dune areas and endangers plant species. I believe we made five separate*
31 *photo trips through the entire area by foot and by boat. We will continue to document the misuse*
32 *and abuse of this area as long as we are able.*

33
34 *Thankfully, it is not all bad news. When the word spread about the mess left behind on the*
35 *beach, Christopher Kovollewski, a local Boy Scout, quickly organized a cleanup. This young*
36 *man saw a problem, he stepped up to the plate and he fixed it. We should all be very proud of*
37 *his efforts and the 15 or more volunteers that showed up, including an off duty police officer, and*
38 *together they had the beach back in shape within several hours. The majority of the garbage*
39 *was collected and everything was properly disposed of.*

1 *This has been going on for far too long. Local people have been cleaning up the mess for years.*
2 *I believe that we have a responsibility to step up to the plate and take control of this situation*
3 *once and for all. I am asking each of you to partner with the Village, work together to find and*
4 *implement the necessary solutions using current laws and new ordinances as applicable, set*
5 *usage hours and install the necessary signage, fencing and barricades as required to control the*
6 *misuse and abuse of this precious area.*

7
8 *As you can see, I have prepared a few maps for discussion purposes. The first one is a*
9 *highlighted map of Thelma's Cradle showing the public easement. The second shows an aerial*
10 *view of the Elberta Beach. The third is an overlay of Thelma's Cradle onto the latest Goggle*
11 *Earth Map. The fourth is a detailed survey map provided by Sand Products.*

12
13 *As we proceed with our discussion, please keep in mind that we are here to work together in*
14 *partnership and to find and begin to implement solutions to the issues at hand. Thank you."*

15
16 An open forum ensued between invited guests, Council members, and the public.

17
18 Chris Sullivan from the Grand Traverse Land Conservancy introduced himself. Mentioned that
19 the Conservancy might be interested in cooperating with the Village to help find a solution.

20 Unrestricted beach usage has impacted the EDNA.

21 Canestraight offered to help the Village understand its rights in regulating use of the beach.

22 Sand Products lawyers will contact Village counsel.

23 An ad hoc Beach Committee was formed. Vandussen asked about the status of Elberta Beach
24 Recreation Plan.

25 O'Dwyer stated that the first starting point is to establish the Village's rights and then draft
26 ordinances.

27

28 O'Dwyer adjourned the meeting at 12:10 PM.

Coury Carland
Village Clerk