

MINUTES

Regular Meeting of the Elberta Village Council
401 First St (Community Building) Elberta
December 21, 2017
7:00 PM

Call to Order at 7:02 pm by President O'Dwyer

Pledge of Allegiance

Roll Call. Present: Ken Holmes, Holly O'Dwyer, Bill Soper, Joyce Gatrell, Jennifer Wilkins.

Absent: None.

Meeting adjourned to Public Hearing on the Ordinances & Resolutions at 7:04 pm.

A. Noise Ordinance

B. Ordinance to Amend Chapter 3012

C. Ordinance to Amend Chapter 9006

D. Elberta Public Beach Areas Ordinance

Copies of the ordinances are available at the Village Office. These ordinances took an incredible amount of time to put together.

R. Rommell and S. Oseland pointed out that the Noise Ordinance and the Elberta Public Beach Areas Ordinance were new Ordinances and the other two are Amendments to Chapter 3012 and Chapter 9006. A resident stated how thankful she was for the committee that put the Noise Ordinance together and asked if there were any exceptions regarding the Noise Ordinance for Holidays that fall during the week. There was discussion of options for exceptions. It was asked if residents/businesses could send a request for an exception a couple of months prior to the Holiday. For the Elberta Beach, the section of building fires on the beach will be enforced. Also we want to check with Frankfort on their contract for weddings on the beach. There will be a permit for weddings on the beach, available at the Village Office where also a calendar will be kept for events on the beach. Discussion also of changes in some of the wording in the ordinances. There was a question on the Dog Ordinance, regarding allowing dogs on the Beach as long as they are on a leash.

The Public Hearing closed at 7:24 pm.

The regular Council Meeting re-opened at 7:25 pm.

Motion by Holmes, seconded by Soper, to approve Minutes of November 16, 2017 Regular Council Meeting as amended. All Ayes. Motion Carried

Motion by Soper, seconded by Holmes to approve Agenda. All Ayes. Motion Carried.

No Conflict of Interest.

Correspondence:

Art & Joan Moseler: written letter to be discussed during Planning Commission Committee will be handling this. Road Commission was from last month.

Public Input:

None.

1 **Approval of Bills.** Motion by Holmes, seconded by Gatrell, to approve paying the Sewer bill of
 2 \$53,340.09. Roll Call: All Ayes. Motion Carried. Motion by Holmes, seconded by Gatrell, to
 3 approve payment of \$3851.42 to Tyler Tech. Roll Call: All Ayes. Motion Carried. Motion by
 4 Holmes, seconded by Gatrell, to approve payment of \$4396.00 to the lawyers for General
 5 Matters. Roll Call: All Ayes. Motion Carried. Check register was not presented.

6 **Financial Report** was received. Need to transfer funds and equipment charges.

7 **Old Business**

8 1. Noise Ordinance - A Waiver can be requested at the Village Office 60 days prior to the
 9 event. Copies of Resolution 2017-012 can be requested at the Village Office. Motion by
 10 Holmes, seconded by Soper, to approve Resolution 2017-012 and Ordinance #33 as
 11 amended. Roll Call: Ayes: Wilkins, Soper, Gatrell, Holmes, O'Dwyer. Nays: none.
 12 Motion Carried.

13 2. Ordinance to Amend Chapter 9006 - Motion by Wilkins, seconded by Holmes, to adopt
 14 the Resolution #2017-010 and Ordinance #35. Roll Call: Ayes: Wilkins, Gatrell, Holmes,
 15 O'Dwyer. Nays: Soper. Motion Carried.

16 3. Elberta Public Beach Areas Ordinance - Motion by Wilkins, seconded by Holmes, to
 17 approve the Resolution #2017-011 and Ordinance #34 as amended. Roll Call: Ayes:
 18 Wilkins, Gatrell, Holmes, Soper, O'Dwyer. Nays: none. Motion Carried.

19 4. Ordinance to Amend Chapter 3012 - Motion by Wilkins, seconded by Holmes, to
 20 approve Resolution #2017-009 and Ordinance #36 as amended. Roll Call: Ayes: Wilkins,
 21 Gatrell, Holmes, O'Dwyer. Nays: Soper. Motion Carried.

22 5. Discussion of putting a camera at the beach. The Beach Committee will need to
 23 fundraise. The camera will operate under solar power. This will be done in the spring.
 24 The video will be stored at the City of Frankfort. Motion by Soper, seconded by Holmes,
 25 to approve the DPW Superintendent to get a Pole Permit from Consumers Energy to
 26 install a camera at the beach. All Ayes. Motion Carried.

27 6. Rotary Charities/Penfold Park - S. Oseland notified the council and audience that the
 28 Village of Elberta did not receive the DNR Grant for Penfold Park, but the Rotary
 29 Charities did offer a Grant of \$20,000. There were two reasons that we had a lower score:
 30 we were missing a Sign at Penfold Park and no outside collaboration for the USDA
 31 Grant. There is a downsizing of the plans for a much simpler Penfold Park. A question
 32 was asked about the Resolution that was made about Penfold Park/Grant. We don't have
 33 to do anything with the Resolution; it was contingent on the Grant.

34 7. Water update - Motion made by Wilkins, seconded by Holmes, for O'Dwyer to sign the
 35 USDA Certificate -of-Right-of-Way. All Ayes. Motion Carried. O'Dwyer spoke with the
 36 State about Robbarg St. and that we should do it right. K. Mlcek is checking into the
 37 process and is working on a proposal for: Robbarg St., Acre St., Furnace Ave. and
 38 Thelma's Cradle. Discussion of the house across from the Community Building. It is not
 39 hooked up to the water/sewer. This needs to be done.

40 **New Business**

- 1 **1.** Committee Assignments - Robin Rommell & Jen Whiting assigned to the Budget &
2 Finance Committee. Jen Wilkins assigned as President Pro-Tem. Everyone else stays the
3 same. Motion by Soper, seconded by Holmes, to confirm the committee assignments as
4 presented. Roll Call: Ayes - Wilkins, Soper, Holmes, O'Dwyer, Nays- Gatrell. Motion
5 Carried.
- 6 **2.** ELSS - Thinking of having a Bridal Expo next fall. Asked about the Village getting a
7 Square Credit Card Reader for taking credit cards. This can be done with a Smart Phone
8 or iPad. Discussed the Graduation Open House Special Rate Contract. It will still be only
9 for Frankfort & Benzie Graduates/Benzie County Residents. Motion by Holmes,
10 seconded by Gatrell, to approve the contract as presented by Kristi Mills. All Ayes.
11 Motion Carried.
- 12 **3.** Jen Whiting's re-appointment to the Planning Commission Committee - Motion by
13 Wilkins, seconded by Holmes, to approve the re-appointment for another term of 4 years.
14 All Ayes. Motion Carried.
- 15 **4.** Eric Ness' property - Eric went through the proper channels to get permission to put a 2nd
16 building on his property. This occurred when the Village did not have a Zoning
17 Administrator. Eric has sold the single wide trailer and it may be moved this weekend.
18 There was a water/sewer question about whether there should have been a charger for
19 disconnection of one and charged for connecting of the other?
- 20 **5.** Tree Removal Quote - There was a Letter of Concern submitted about the trees that need
21 to come down before they fall down. Money may be used from the Major Streets fund.
22 Motion made by Wilkins, seconded by Holmes, to accept the bid from Smitty's for the
23 removal of the 2 trees and to have Smitty's remove the other trees (from the water fund).
24 All Ayes. Motion Carried.
- 25 **6.** Meter Replacement & Quotes - discussion of the quotes. K. Mlcek suggested that DPW
26 Superintendent get another quote from ETNA. This item was tabled until the next
27 Council Meeting. The meters are at the end of useful life and need to be replaced.
- 28 **7.** Plowing Parking Lots - DPW Superintendant will make a swipe through the parking lots
29 as needed.
- 30 **8.** Budget Changes - Motion by Gatrell, seconded by Holmes, to change Dept. 753 Cultural
31 Events to Dept. 753 Elberta Beach. All Ayes. Motion Carried. Second item to be taken to
32 the Budget Finance Committee. There was a new Port-a-let Vendor this year and they
33 were left out longer, thus going over on the budget. Motion by Holmes, seconded by
34 Soper, for the Budget Adjustment line #101-752-93000 of \$662.91 to 101-752-8050. All
35 Ayes. Motion Carried. Motion by Wilkins, seconded by Holmes, for the Budget
36 Adjustment line #101-752-9300 of \$213.08 to 101-751-80500. All Ayes. Motion Carried.
- 37 **9.** Lakeside Blvd. Resolution - Wordage changes were made. The Village wants its
38 residents to know that "We love our Beach. It needs to be respected and protected." Get
39 adequate signage for the road closure. Convey to the visitor that there is a temporary road
40 closure to vehicles. This road will be worked on in sections. Motion by Holmes,
41 seconded by Gatrell to approve the Lakeside Blvd. Resolution #2017-008 as amended.
42 Roll Call: Ayes - Wilkins, Soper, Gatrell, Holmes, O'Dwyer; Nays - none. Motion
43 Carried.

44 Reports to Council

45 County Commissioner – Sauer - Oral report given. Spoke about The Maples occupancy & flu
46 closure, Road Commission, Recycling-smaller bins, Interviews for EMS Director.

- 1 DPW – Pritchard. Written report was provided.
- 2 Planning Commission - Holmes. Written report submitted. There will be a Public Hearing on
- 3 January 9, 2018 at 6 pm at the Community Building regarding a new marina.
- 4 Parks & Recreation Commission - Soper. Written report submitted.
- 5 BFA - O'Dwyer. Oral report. Working on the budget.
- 6 BLUA/Fire Board/Water Committee - Holmes & Gatrell. Oral report: again Holmes stated
- 7 the Village is sending less water to BLUA because of the new sewer improvements.
- 8 Personnel Committee - Rommell. Written report submitted.
- 9 Building Committee – Soper. Chris got a bid on a new roof.
- 10 Beach Committee - Wilkins. Written report submitted.
- 11 ELSS - Mills. Written report submitted.
- 12 Zoning Administrator/Code Enforcement Officer report - Oral report. Approved a Marina
- 13 Permit. Studying up on zoning.
- 14 No Announcements
- 15 Public Comment: Asked for a public release for the Lakeside Blvd. closure and construction
- 16 when it occurs. Put a positive spin on it.
- 17 Adjournment: meeting adjourned at 9:37 PM.
- 18
- 19