

VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF December 14, 2020 at 6:30 P.M.
COUNCIL PROCEEDINGS
Via Zoom



1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:35 P.M. by President Paul Inglis.

2. ROLL CALL:

Answering the roll call: Steve Crothers, Dan Zaverl, Paul Inglis, John Sutton, Damian Omness, and Bill Harris.

Bill Glover entered the meeting at 6:47 P.M.

Staff present: Village Administrator Brady Selner, Village Clerk/Treasurer Crystal Budde, DPW Supervisor Greg MacIntosh, and Police Chief Steve Waltz.

3. PLEDGE OF ALLEGIANCE: All stood for the Pledge.

4. MINUTES:

a.) November 23, 2020

Steve Crothers moved to approve the minutes of the Regular Council meeting of November 23, 2020 as presented.

Seconded by: John Sutton.

Roll Call Vote:

Ayes: Crothers, Sutton, Zaverl, Omness, Harris, and Inglis.

Motion Carried 6-0.

Absent: Bill Glover.

5. ADDITIONS TO THE AGENDA: No Additions to Agenda.

6. PRESIDENT'S REPORT:

President Inglis commended the Shelby DPW for the fine job of clearing the Village streets of snow over the weekend.

7. ADMINISTRATOR'S REPORT:

VA Selner reported that the Shelby Trails Apartment Building project site plan is being reviewed by Don DeVries, Fleis & Vadenbrink, to ensure compliance with the stormwater management provision of the Village of Shelby Zoning Ordinance. A special meeting of the Village Planning Commission will most likely be set for December 22nd or 29th to consider the final site plan. The project is planned for construction next spring.

The Planning Commission will meet on December 15th to further discuss amending Section 3.11, Accessory Buildings and Structures, to allow more than one accessory building on a parcel.

The Michigan Department of Health and Human Services (MDHHS) extended the current epidemic order through December 20th. Village Hall will remain closed to the public until further notice. The drop-box is still being used for water bills, permits, and other documents. Even with the office closed, staff has been available to ensure residents continue to receive excellent service while keeping everyone safe. The vaccine for COVID is nearing approval and will first be distributed to health care workers, first responders, and the higher risk population. It is expected the vaccine will be available for the general public sometime this spring or early summer.

Senate Bill 1108, which amends the Open Meetings Act to allow for virtual meetings, is set to expire on December 31, 2020. To date, the Legislature has not acted to extend the ability for public bodies to continue meeting virtually for any reason in 2021. Without a change, beginning January 1, 2021, meetings of public bodies may only be held electronically under the following very limited circumstances: 1) to accommodate members absent due to military services, 2) to accommodate members with a medical condition; or, 3) in the event of a statewide or "local state of emergency." VA Selner will be monitoring this to determine a plan moving into the new year.

The Parks, Recreation, and Buildings Committee will meet on Thursday, December 17, to discuss the next steps in the Land and Water Conservation Fund (LWCF) grant for the renovation of Getty Park. The Getty Park project received the highest Michigan Department of Natural Resources (MDNR) staff score out of all applications submitted. The \$5.4 million in LWCF grants supporting park projects will be sent to the National Park Service for federal approval.

The purchase of the pocket park downtown has been completed. VA Selner thanked Village of Shelby Fellow Emily Stuhldreher for all of her work on the project.

The Pure Michigan Small Business Relief Initiative will utilize federal CARES ACT funding to provide \$1.3 million in grants to meet the urgent needs of small businesses disproportionately impacted by the COVID-19 virus in West Michigan's 13 county region. Grants will be awarded up to \$15,000.00 per application and applicants will identify their total grant request within the application. The Application process will begin on December 15, 2020 at 9:00 A.M. and will be reviewed on a "First-In" basis.

Emily Struhldreher made direct contact via phone to each business in the Village of Shelby in order to inform them of the grant opportunity.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor MacIntosh reported that the new school crossing light to be located on Sixth Street will be installed next month. The Village has been required to take 20 lead/copper samples every six months and Mr. MacIntosh had received notification that only 10 samples per year will be necessary moving forward because the Village's samples have not detected any signs of lead or copper in the water.

Councilman Damian Omness inquired as to whether the pile of leaves along the street of Sunset

Terrace have been cleaned up. Mr. MacIntosh responded that he would check on that and email Mr. Omness to let him know when it is taken care of.

Chief Waltz reported that former Chief Farber and he have completed the evidence room audit. The purchase of a barcode scanner proved to save many hours of time over manually entering every piece of property. Red parking warnings were printed up and placed on vehicles parked overnight on Village streets, especially Michigan Avenue. Although the parking ban took effect on November 15, the Police Department has been using the mild weather to provide a chance for the public's compliance before ticketing violators. Effective December 12, the officers will be issuing parking citations for vehicles parked on the Village streets.

The new police cruiser should be arriving within the next month.

Officer VonDrak will be participating in "Roy's Kids" by delivering Christmas presents to children in the area on December 19th. "Roy's Kids" provides many children with Christmas presents who may not otherwise receive any. This gesture by Officer VonDrak is appreciated as is Roy Strait for organizing the effort.

9. CORRESPONDENCE:

a.) SHPO Letter for Getty Park

Notification was received from the Cultural Resource Management Coordinator for the State Historical Preservation Office (SHPO) stating that no historic properties are affected within the Getty Park renovation area.

10. CITIZEN PARTICIPATION:

Jodi Nichols, Oceana County Economic Alliance, provided a project cost- benefit summary for the Village Council regarding the Peterson Farms' water main extension project. Ms. Nichols reported that she is happy to help the Village in any way with this project. She believes the project will add a great deal of value to the community and to Oceana County as a whole. Ms. Nichols suggested that Village officials look at other communities who have offered water service outside of their community as a source of information and for obtaining feedback on the benefits of offering water service outside of the community.

11. OLD BUSINESS: No Old Business.

12. NEW BUSINESS:

a.) PILOT Contract for 220 Walnut Street– Shelby Trails Apartments

The Oceana County Housing Commission Non-profit Corporation has proposed that a 15 unit apartment building complex at 220 Walnut Street be taxed as a payment-In-Lieu-of Taxes (PILOT) project. The complex will provide rental rates below market rate for lower income residents with financing through the Michigan State Housing Development Authority (MSHDA). The project site plan is

in the process of being reviewed by the Planning Commission; construction is expected to start next spring.

The Finance and Insurance Committee met on December 8, 2020 to consider an amendment to the PILOT Contract. The amendment considered was to remove Section 4.e., copied below:

4. Term. The exception may be determined by the Village upon the occurrence of the first of the following events:

e. "The Sponsor defaults in the payment of the service charge in-lieu-of taxes or any other condition of Title Four, Chapter 890 of the Codified Ordinances of Shelby, Michigan and such default remains uncured for a period of 90 days following written notice of the default to the Sponsor and the Authority:"

The Committee agreed Section 4.e could be removed because Sections 890.13, 890.14, and 890.15 of the Village Ordinance already address nonpayment. The Finance and Insurance Committee recommended the approval of the PILOT Contract as presented.

Steve Crothers moved to authorize the Village President to sign the Contract for Service Charge in-Lieu-of Taxes with the OCHC Shelby Limited Dividend Housing Association Limited Partnership for the 220 Walnut Street Apartment project.

Seconded by: Bill Harris.

Roll Call Vote:

Ayes: Crothers, Harris, Glover, Zaverl, Sutton, Omness, and Inglis.

Motion Carried 7-0.

b.) Grant Proposal for Locating Lead/Galvanized Water Service Lines

EGLE is offering a grant to help communities enhance their asset management programs to comply with the Michigan Lead and Copper Rule. Fleis & Vandenbrink will assist with the application for the grant. The Water and Sanitation Committee met on December 7, 2020 and is recommended that the Shelby Village Council approve Fleis & Vandenbrink to apply for the \$37.5 million EGLE Drinking Water Asset Management (DWAM) grant.

Bill Harris moved to authorize Don DeVries of Fleis & Vandenbrink Engineering to prepare and submit the EGLE Drinking Water Asset Management (DWAM) grant at a cost of \$800.00.

Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Harris, Crothers, Glover, Zaverl, Sutton, Omness, and Inglis.

Motion Carried 7-0.

c.) Grant Proposed for Replacing Lead/Galvanized Water Service Lines

EGLE is offering a loan, eligible for forgiveness, through its Drinking Water Revolving Fund to help communities replace lead service lines. The Federal Water Infrastructure Transfer Act of 2019 allows states to transfer funds from the Clean Water State Revolving Fund (CWSRF) to the Drinking Water State Revolving Fund (DWSRF) for lead service line replacements. The Michigan Clean Water Plan proposes using Michigan's allowed allocation of \$102 Million to provide disadvantaged communities 100 percent loan forgiveness for lead service line replacements. Grants will be capped based on population size. Fleis & Vandenbrink will assist with the application for the grant.

The Water and Sanitation Committee met on December 7, 2020 and recommended that the Shelby Village Council approve Fleis & Vandenbrink to apply for the Lead Service Line Replacement grant through the Drinking Water Revolving Fund.

Steve Crothers moved to authorize Don DeVries of Fleis & Vandenbrink Engineering to prepare and submit the Lead Service Line Replacement grant through the Drinking Water Revolving Fund at a cost not to exceed \$15,000.00.

Seconded by: John Sutton.

Roll Call Vote:

Ayes: Crothers, Sutton, Glover, Zaverl, Omness, Harris, and Inglis.

Motion Carried 7-0.

d.) Purchase of Body Cameras

The Police Department is seeking approval for the purchase of three Motorola WatchGuard body cameras for daily police activities. Quotes were obtained from Motorola WatchGuard and Axon. The two companies are the most trusted and used by a majority of police departments. The Finance and Insurance Committee recommended the purchase of the Motorola WatchGuard Vista HD cameras.

Damian Omness moved to authorize Chief Waltz to purchase three Motorola WatchGuard Vista HD body cameras from WatchGuard – 415 E. Exchange Parkway, Allen, Texas for police use in the amount of \$2,730.00

Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Omness, Crothers, Glover, Zaverl, Sutton, Harris, and Inglis.

Motion Carried 7-0.

e.) Street Administrator Designation

With the change in Village Administrator, Form 2012 must be filed with MDOT to formally change the Village's designation of Street Administrator to Brady Selner, Shelby Village Administrator.

Steve Crothers moved to adopt the following resolution:

Whereas, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street

improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act." Therefore, be it resolved, that this Honorable Body designate Brady Selner as the single Street Administrator for the Village of Shelby in all transactions with the State Transportation Department as provided in Section 13 of the Act.
 Seconded by: Bill Glover.

Roll Call Vote:

Ayes: Crothers, Glover, Zaverl, Sutton, Omness, Harris, and Inglis.

Motion Carried 7-0.

13. COMMITTEE REPORTS:

a. PLANNING COMMISSION: Chair Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission will meet on Tuesday, December 15, 2020 to review the Accessory Building Ordinance and the proposed change that would allow more than one accessory building on a lot. The Planning Commission is still seeking to fill a vacant seat and hopes to fill that soon.

b. WATER & SANITATION: Chair: Bill Harris, Steve Crothers:

Committee Chair Bill Harris spoke of his concerns about the Peterson Farms' water main extension project. Such as: If the Village can logically provide all the needed water to the Peterson Farms' Apartments as well as Village residents; if the Village will have enough staff to maintain the water main extension as well as the Getty Park project and normal everyday duties; and, if the Village can financially support the extension and any possible future problems that may arise with the water system and the replacement of the wells that are nearing the end of their useful life. Mr. Richard Raffaelli, CEO of Peterson Farms, will be in contact with Mr. Harris to clear up any misunderstandings with the proposed project.

c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Bill Glover:

Nothing to report.

d. PARKS, REC. & BLDGS: Chair: Damian Omness, John Sutton:

The Committee is set to meet on December 17, 2020 for a Getty Park Grant update and discussion of the next steps in the implementation process.

e. FINANCE and INSURANCE: Chair: Jim Wyns, Bill Harris:

Nothing to report.

f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

g. ORDINANCES – Chair Bill Glover, Dan Zaverl:

Nothing to report.

14. PAYMENT OF BILLS:

Steve Crothers moved to approve the payment of the bills in the amount of \$103,863.62.
Seconded by: John Sutton.

Roll Call Vote:

Ayes: Crothers, Sutton, Glover, Zaverl, Omness, Harris, and Inglis.

Motion Carried 7-0.

15. ADJOURNMENT:

Dan Zaverl moved to adjourn the meeting at 8:07 P.M.
Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Zaverl, Crothers, Glover, Sutton, Omness, Harris, and Inglis.

Motion Carried 7-0.

Council minutes are not official until approved at the December 28, 2020 Council meeting.

Approved

<u><i>Crystal Budde</i></u>	<u>12-28-2020</u>
Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer	Date