



**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF December 28, 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 6:32 P.M. by President Paul Inglis.

2. ROLL CALL:

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

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.) December 14, 2020

Steve Crothers moved to approve the minutes of the Regular Council meeting of December 14, 2020 as corrected.

Seconded by: John Sutton.

Roll Call Vote:

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

Motion Carried 7-0

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

6. PRESIDENT’S REPORT: Nothing to report.

7. ADMINISTRATOR’S REPORT:

VA Selner reported that the Shelby Trails Apartment Building project site plan has been reviewed by Don DeVries, Fleis & VandenBrink Engineering. The developer is working on a response to Mr. DeVries’ comments. As soon as the suggested changes are made to the site plan, it will be placed on the Planning Commission Agenda for consideration. The project is planned for construction next spring.

The Planning Commission met on December 15th to discuss amending Section 3.11, Accessory Buildings and Structures to allow more than one accessory building on a parcel. A Public Hearing has been set for January 19, 2021, to consider the amendment.

VA Selner received a proposal from Williams & Works to assist the Village with re-writing the Village Zoning Ordinance. The objective for the rewrite process would be to craft an ordinance that is more

suited to the Village needs and desires; to implement policies of the new Master Plan; and, to address modern planning and zoning challenges as well as those unique to the Village of Shelby. The proposal will be considered as we continue developing the 2021-2022 Fiscal Year budget.

Barb Setlak has submitted a request for a use variance to remodel and convert an existing detached accessory building into an accessory dwelling unit on her property located at 186 S. State Street. Her request will be heard by the Village Council, acting as the Zoning Board of Appeals, at the January 11, 2021 Council meeting.

Amendments to the Open Meetings Act to allow remote attendance at public meetings has passed the State House and Senate. The primary change includes an extension allowing public bodies to conduct electronic meetings virtually for any reason from the original end date of December 31, 2020 to March 31, 2021.

The "Notice of Intent to File Application" for the Peterson Farms water main project was in the Oceana's Herald-Journal on December 24, 2020. VA Selner is working with Don DeVries to finish the USDA application and should be ready to submit it the last week of December or first week of January.

The Parks, Recreation, and Buildings Committee met on December 17, 2020 to discuss the next steps in the Land and Water Conservation Fund (LWCF) Grant process for the Getty Park project. VA Selner will be working with John Wilson over the next four to six months to complete the final Project Agreement.

VA Selner reported that he is working to set up a Strategic Planning Session in February for the Council to attend. More details will be passed along when the dates and times have been established.

8. DEPARTMENT HEADS' REPORTS:

DPW Supervisor Greg MacIntosh and Chief Steve Waltz had nothing to report.

9. CORRESPONDENCE:

a.) Letter received from the Village of Clinton

VA Selner received a letter from the Village of Clinton requesting a response as to whether or not the Village Council will participate in legal action in opposition to the new lead and copper rules; and, for commitment of financial support in the amount of \$2,000.00 for the class action.

The consensus of the Council was not to take any action regarding this matter.

10. CITIZEN PARTICIPATION: No Citizen Participation

11. OLD BUSINESS:

a.) Peterson Farms Watermain Project

Peterson Farms COO Richard Raffaelli provided the Village Council with detailed information regarding the timeline and procedures regarding the water main extension project to allow for an informed

decision to be made by the Village Council during the next phase of the project. (See Attached).

Bill Harris thanked Mr. Raffaelli for his time and information.

12. NEW BUSINESS:

a.) T-Mobile Lease

T-Mobile has proposed a second amendment to their June 3, 2013, tower lease with the Village of Shelby. The amendment requires the lessee to submit plans and obtain approval from the Village of Shelby Council prior to working on or making any changes to any underground equipment or lines within the Utility Easement areas.

Bill Glover moved to approve the Second Amendment to the Tower Space Lease Agreement by and between the Village of Shelby, a Michigan Municipal Corporation, and T-Mobile Central, LLC, a Delaware limited liability company and to authorize VA Brady Selner to sign the same. Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

b.) Planning Commission Appointments

It was recommended by the Planning Commission at its December 15, 2020 Regular meeting that Tara Kelley and Samantha Near be re-appointed to the Village of Shelby Planning Commission. Mark Baker has respectfully declined serving another term on the Planning Commission; thus, leaving two vacancies.

If the re-appointments of Tara Kelly and Samantha Near are approved by Council, the Planning Commission members would be as follows:

Vacant Seat: January 1, 2021 – December 31, 2023

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Samantha Near: January 1, 2021 – December 31, 2023

Tara Kelley: January 1, 2021 – December 31, 2023

John Sutton (Vice-Chair): January 1, 2021 – December 31, 2024 (aligns with Village Council term)

Paul Inglis: Expires December 31, 2022 (aligns with Council term)

Tim Horton: January 1, 2020 – December 31, 2021

John Sutton moved to re-appoint Planning Commission Members Tara Kelley and Samantha Near to

the Village of Shelby Planning Commission for a term beginning January 1, 2021 and ending December 31, 2023.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

c.) Shelby Area District Library

Tiffany Haight, Library Director of the Shelby Area District Library, sent a letter requesting the Village Council to reappoint Ann Campagna for another three-year term to the Shelby Area District Library Board of Trustees beginning January 1, 2021 and ending December 31, 2023.

Steve Crothers moved to reappoint Ann Campagna to the Shelby Area District Library Board of Trustees for a three-year term beginning January 1, 2021 and ending December 31, 2023.

Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 7-0.

d.) Village Council and Planning Commission 2021 Meeting Schedule

Every year the Council adopts meeting schedules for the Village of Shelby Council and Planning Commission for the upcoming year. The schedules are posted at the Village Hall, shared with media, and posted on the Village website, and Facebook page. This will keep the Village in compliance with the Open Meetings Act.

John Sutton moved to adopt the proposed 2021 meeting schedules for the Village of Shelby Council and the Village of Shelby Planning Commission.

Seconded by: Damian Omness.

Roll Call Vote:

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

Motion Carried 7-0.

e.) Engineering Services for Getty Park Grant

The Village of Shelby has been recommended by the Michigan Department of Natural Resources (MDNR) for the \$300,000.00 Land and Water Conservation Fund (LWCF) grant to renovate Getty Park. The Village of Shelby will be responsible for 50% of the project costs. With Fleis & VandenBrink's familiarity and past work on Getty Park, it would best serve the Village to have them provide the design and construction engineering services for the Getty Park Improvement Project. The Parks, Recreation, and Buildings Committee met on December 17, 2020 and has recommended approval of

the proposal.

Steve Crothers moved to approve Fleis & VandenBrink’s proposal to serve as the engineer for the Getty Park Land and Water Conservation Fund (LWCF) grant project for an amount not to exceed \$77,000.00. If funding for the LWCF grant does not receive approval from the Federal Park Service, the Village shall only be responsible for engineering costs incurred to date.

Seconded by: John Sutton.

Roll Call Vote:

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

Motion Carried 7-0

f.) Village Administrator Six Month Goals

In VA Selner’s employment contract, it is stated that, within the first month, he would meet with the Personnel Committee to set goals for his first six months of employment. During the month of June 2021, the Village Council will review his performance and if the Council is satisfied that the goals have been met, Mr. Selner’s compensation would increase to an annual salary of \$68,000.00 effective July 5, 2021.

VA Selner has listed the completion of a thorough update to the Village of Shelby Personnel Policies; and, development of an updated budget document that identifies and targets Village Council priorities in the budget and provides easier readability for stakeholders as two of his primary goals.

The following is a list of additional goals VA Selner wishes to accomplish over the next six months:

1. Develop a plan for the pocket park downtown.
2. Begin the process of a Zoning Ordinance rewrite.
3. Update zoning fee schedule.
4. Submit the Asset Management to EGLE.
5. Manage the Getty Park project/grant.
6. Create an action plan for economic development and continue to pursue RRC certification.

John Sutton moved to approve the goals listed in the December 17 Memo “Six Months Goals” (as amended from the December 17, 2020 Personnel Committee meeting), to serve as a guide for the Village Administrator’s performance review in June 2021.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

g.) Chapter 1044.06 Codified Ordinance Amendment

Chapter 1044.06 of the Village of Shelby Codified Ordinances has discrepancies regarding existing

water rates and billing methods. The proposed ordinance amendments would align the Village of Shelby Codified Ordinances with the proposed water rates and connection fees. The amendments include omitting Section 1044.06 (c,d,e) and changing 1044.06 (f) to match our existing billing schedule. VA Selner recommended Section 1044.06 (c,d,e) be omitted due to Section 1044.08 giving Council the authority to update rates periodically to maintain the water and sewer system.

Steve Crothers moved to adopt the Section 1044.06 Codified Ordinance amendment.
Seconded by: Damian Omness.

Roll Call Vote:
Ayes: Crothers, Omness, Zaverl, Sutton, Harris, and Inglis.
Nays: Glover
Motion Carried 6-1.

h.) Water Rate Fees

Providing safe drinking water is an essential public service provided to residents. The ongoing construction and maintenance of the water infrastructure is one of the costliest investments within a municipality. It is important that adequate revenue is collected through service charges to support the cost of providing water throughout the community. The last time the water rates were analyzed was 16 years ago. To adequately meet both present and future needs of the water system, the Michigan Rural Water Association recommended a \$0.52 increase per 100 cubic feet of water; a \$1.50 increase for the monthly ready to serve fee (increasing based on meter size); and, a \$0.08 increase in the monthly environmental fee. The Water and Sanitation Committee has recommended that the Village Council adopt the water rate increase effective March 1, 2021 as well as a 5% annual increase in water rates beginning March 1, 2022 and ending February 28, 2027.

Damian Omness moved to adopt Resolution 2020-12-28-1. (See attached).
Seconded by: Steve Crothers.

Roll Call Vote:
Ayes: Omness, Crothers, Glover, Zaverl, Sutton, Harris, and Inglis.
Motion Carried 7-0.

I.) Water and Sewer Connection Fee

Most communities around Michigan charge a tap in fee for water and sewer customers to help cover the ongoing costs associated with the water and sewer system. Essentially, it is a buy in to the system. The rates were evaluated and developed with the help of Mike Engels of the Michigan Rural Water Association. The rates are calculated by taking the total value of the system divided by the total number of meters. For customers buying into the water system, the size of the water line is also considered. The Water and Sanitation Committee has recommended that the Village Council adopt the

November 4, 2020 tap in fee schedule to connect to the municipal water and sewer system.

Tabled until VA Selner can present tap in fees in other communities.

J.) Shelby Police Department Office Remodel & HVAC Installation

The office utilized by the Shelby Police Department was not updated when the Village of Shelby moved to its new location a few years ago. Their office space should be updated to include an update to the HVAC system. Chief Waltz has gathered different quotes necessary to update the workspace. Media Technologies has offered to provide the office furniture at half cost (\$4,275.50); Magooz Floor Covering will donate and install the flooring; and, Chief Waltz has offered to paint the office. The Village will need to hire a contractor to install the updated HVAC system. The following quotes were obtained:

Adams Heating and Cooling	\$8,896.00
Boardwell Mechanical Services, Inc	\$8,990.00
Carmichael Heating & Air Conditioning	\$7,995.00 (plus other costs)

Bill Harris moved to approve the purchase of office furniture from Media Technologies Shelby, Michigan for the Shelby Village Police Department in the amount of \$4,275.50.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0

Damian Omness moved to authorize the Village Administrator to accept the quote from Adams Heating and Cooling Hart, Michigan for the installation of the HVAC in the Shelby Police Department in the amount of \$8,896.00.

Seconded by: Steve Crothers.

Roll Call Vote:

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

Motion Carried 7-0.

13. COMMITTEE REPORTS:

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

The Planning Commission met on December 15th to discuss amending the Village's Accessory Building Ordinance and to set a Public Hearing for January 19, 2021 for the consideration of the amendment as well to finalize the Master Plan. A special meeting will take place on January 14, 2021 to review the site plan for the Shelby Trails Apartment project.

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

Nothing to report.

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

Nothing to report.

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

The Parks, Recreation and Buildings Committee met on December 17th to discuss the next steps for the Getty Park Renovation project with Parks Consultant John Wilson. Discussion of who is responsible for the repairs to the announcer booth at Getty Field ensued. VA Selner will be scheduling a meeting with Shelby Public Schools Superintendent Tim Reeves to further discuss the matter.

e. FINANCE and INSURANCE: Chair: Steve Crothers, 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 \$70,263.77.
Seconded by: Dan Zaverl.

Roll Call Vote:

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

Motion Carried 7-0.

15. ADJOURNMENT:

Dan Zaverl moved to adjourn the meeting at 8:55 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 January 11, 2021 Council meeting.

Approved



Crystal Budde

January 11, 2021

Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer

Date