

MINUTES OF THE REGULAR MEETING OF THE VILLAGE OF BENZONIA  
1276 MICHIGAN AVENUE  
BENZONIA, MI 49616  
MONDAY, May 7, 2018

PRESENT:

PRESIDENT: Flynn  
COUNCIL: Bair, Heyn, French, Misner, Rankin, Scholten  
CLERK: Nye  
TREASURER: Flynn  
SUPERINTENDENT: Boman  
ASST SUPERINTENDENT: Marshall  
ZONING ADMIN: Carland  
VISITORS: Linda Joy, Chris & Victoria Mekas  
ABSENT: None

CALL TO ORDER: The regular meeting of the Benzonia Village Council was called to order at 6:00 p.m. by President Flynn.

ATTENDENCE TAKEN BY CLERK

PUBLIC HEARING – THE HILLTOP SODA SHOP: President Flynn opens Public Hearing at 6:02 p.m. Approval of a Special Use Permit requires a Public Hearing. Chris & Victoria Mekas distribute information and drawings for proposed drive-thru window; documents will be made part of May Minutes. Steve Ayers, neighbor within 500 ft. of proposed project, sent email in support of project. Question regarding water run-off; Chris Mekas states that there are onsite retention ponds for run-off. President Flynn asks for objections; none received. **Rankin moves, supported by Misner, to give Zoning Administrator Carland authority to approve or decline the Special Use Permit. Ayes – All. Nays – None. Motion Carried.** President Flynn closes Public Hearing at 6:13 p.m.

VISITORS: Village resident, Linda Joy, voices concerns regarding a neighbor, John Collier, who rents next to the home of two men she takes care of and she is worried for them. The men are experiencing aggressive confrontational behavior. Motor oil mixed with dirt has been sprayed on their home and window screens cut. Motor oil from automotive work being poured in yard. Ms. Joy states that the neighborhood is paralyzed and other neighbors are afraid to come forward. Ms. Joy made aware that the homeowner has been informed of the blighted state of the property. Trustee Misner suggests the police be made aware of the situation immediately. Ms. Joy gives Clerk permission to forward submitted email to Jerry Cole, homeowner. Clerk directed to contact DEQ and Health Department regarding car oil in the yard.

SUPERINTENDENT REPORT:

- Snow blower put back together and ready to go
- Plowed some snow
- Read water meters
- Plow truck at Hilltop for service, hydraulic pump and fuel line repaired
- Started sweeping streets
- Cleaning things up

ASSISTANT SUPERINTENDENT'S REPORT:

- Water test taken; will know in 45 days if passed
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MINUTES:

Regular Meeting Minutes April 2018. **French moves, supported by Misner, to approve the April 2018 Regular Meeting Minutes as presented. Ayes – All. Nays – None. Motion Carried.**

CLERK'S CORRESPONDENCE:

- Benzie County Planning Commission Meeting May 10<sup>th</sup>, 6:00 p.m..
- MML requesting financial contribution to assist in litigating the Menard Inc. vs. The City of Escanaba – 'dark store litigation'. Zoning Administrator Carland explains dark store tax impact on community. Discussion. Decided to take no action at this time.
- Letter received from David and Jenni Bateman. Letter to be made part of May 2018 Minutes. **TABLED TO JUNE MEETING** (to confirm travel trailer is removed from property as promised).
- Email received from Linda Joy regarding neighbor, John Collier.
- Email received from Mark Ott, MML Insurance re: Mr. Ellis. Letter to be made part of May 2018 Minutes. Discussion. The consensus of the Council is that gross negligence cannot be proven as there was no intent, further, it goes against the Council's good conscience to support a payment to Mr. Ellis as it sets a precedent. Clerk directed to inform Mr. Ott to move forward at his discretion.

FINANCIAL REPORTS:

BILLS LIST:

**Misner moves, supported by Scholten, to approve payment of bills for the month of May in the amount of \$11,707.70. Ayes – Heyn, Misner, Rankin, French, Bair, Scholten, Flynn. Nays – None. Motion Carried.**

TREASURER'S REPORT:

**Misner moves, supported by French, to accept the Treasurer's Report through May 7, 2018, as presented. Ayes – All. Nays – None. Motion Carried.**

UNFINISHED BUSINESS:

- Trailer Park Water Situation. Another payment received. Treasurer Flynn reports that the amount outstanding for the period the leak occurred is \$3,799.52. Discussion. **French moves, supported by Rankin, to offer settlement of leak situation in the amount of \$1,899.76, splitting the cost of the quarter when the leak occurred. Ayes – All. Nays – None. Motion Carried.**
- 33 blight letters sent urging residents to take advantage of clean-up day.

NEW BUSINESS:

- Refurbished printer ordered from Netlink Business Solutions
- An uncashed payroll check written to Dave Neiger has been found by Mrs. Neiger. She is unable to cash/deposit the check as no accounts exist with Dave's name on it. Clerk will research a resolution to issue.
- Planning Commission member, Geoffrey Miner, has asked why a meeting that closed and then opened into a work session was paid for one meeting instead of two. Clerk states that payment of meetings is determined by attendance taken in the minutes of the meeting. As was the case with the Budget Workshop/Meeting – one attendance taken, one set of minutes, payment for one meeting.
- Resident Requesting Additional Tote. Discussion. **Misner moves, supported by Rankin, that each residence is issued one tote; an additional tote will be reflected as a \$200.00 charge on tax bill if requested. Ayes – All. Nays – None. Motion Carried**
- Sign Drawings and Proposal from Northern Wood Designs. Five signs – 2 Welcome, 1 Dorothy's Corner, Municipal Parking and sign for Village Building. Sign design selected. **French moves, supported by Scholten, to accept the proposal for signs and installation from Northern Wood Designs as presented with a cost not to exceed \$9,000. Ayes – Heyn, Misner, Rankin, French, Bair, Scholten, Flynn. Nays – None. Motion Carried.** Clerk will contact CLCBA for their financial contribution to the Dorothy's Corner sign as requested.

ORDINANCE REVIEW: **TABLED TO JUNE MEETING**

COMMITTEE REPORTS:

FINANCE: Discussed.  
STREETS: No Report.  
PARKS: Waiting for grant.  
WATER: Flushing water lines soon.  
EQUIPMENT: No report.

PLANNING COMMISSION & ZONING:

- Fencing inquiries, Hilltop and Firework permits being handled
- Waiting for the Zoning Ordinance transcription to be completed.

OTHER BUSINESS: Networks Northwest meeting was attended by Tim and Toni Flynn. Facelift and infrastructure along the US 31 corridor was discussed. Patty O'Donnell, MDOT, will be contacting us to look in to financing options for improvements.

**French moves, supported by Misner, to adjourn meeting at 7:52 p.m. Ayes –All.**

**Nays – None. Motion Carried.**

Respectfully Submitted,

Rhonda Nye  
Village Clerk

Minutes Drafted: May 15, 2018

Minutes Approved: June 4, 2018