**VILLAGE OF MICHIANA**

 **MICHIANA COUNCIL MEETING**

**Friday, June 19, 2020**

The meeting was held by Virtual “go to meeting”. Mike Mintz, Linda Stein, Phil Bonello and Kathleen Hogan Morrison were present on the call, as well as Police Chief Ryan Layman, Water & Street Superintendent Rick Reitz, Clerk Anne Heywood, Sara Sencia the Village Attorney and 70 or more Village residents dialed in to listen and participate.

Mike Mintz opened the meeting by stating he had received Tim Iverson resignation letter and thanked Tim for his 11 years of service to Michiana and wished him good luck on his new adventures.

Mike also mentioned Phil Bonello’s letter to Tim, which listed Tim’s accomplishments while in office. The letter will be attached to minutes.

Mike Mintz as Pro Tem made motion to appoint Joann Fisher as the new council member, Joann accepted the position; Linda Stein seconded the motion; a roll call vote was taken 4 ayes and 0 nays; motion passed.

Anne Heywood, Clerk then asked for a nomination for President of the Council. Kathleen Hogan Morrison nominated Mike Mintz; Mike accepted the position; Linda Stein seconded the motion; a roll call vote was taken 4 ayes and 0 nays; motion passed.

Mike Mintz asked Kathleen Hogan Morrison to be his Pro Tem, Kathleen accepted the position; Phil Bonello seconded; a roll call vote was taken 4 ayes and 0 nays; motion passed.

Mike Mintz opened the meeting by announcing that Chief Layman would be taking names of anyone who wanted to talk after all Village business was completed. Residents would talk under public comment.

List of Residents:

Lucille Kulik, Mike Kinasz, Willa Lang, Polly Kelly, Tript Kasal,

Lorin Brown, Joel Denenberg, Brian Kasal, Maureen Shekleton, Frank Mangialardi, from Michiana and Maryann Durkin from Michiana Shores, IN

**Addition to Agenda –** new business Bonfire permits for the beach

**Approval of Minutes –** Kathleen Hogan Morrison made a motion to approve the May 8, 2020 minutes; motion seconded by Phil Bonello; a roll call vote was taken 5 ayes and 0 nays; minutes approved.

**REPORTS**

 **1. Building Inspector Report –** Bill Lambert read his report that indicated 9 building permits and that everything was moving along.

**2. Treasurer’s Report –** Cheryl Cook (Absent) Heywood read the balance for May $2,033,855.68.

**3. Tree Inspector Report –** Kris Wulff (Absent)

**4. Fire Chief Report –** Chief Gary Bendix (Absent) report on file

**5. Police Commission –** Russell Bruesch would like the council to reconsider restricting fire permits this year on the beaches. Since we only have 2 beaches and Stop 41 ½ being the most popular. The Council had some discussed and decided not to allow any beach fires until after Labor Day. Mr. Moller who reached out with a letter hoped that this was not permit situation that the council would look at it every year to evaluate. Kathleen Hogan Morrison made motion effect June 19th, 2020 until Labor Day September 8th there will be no beach fires on the beaches, Phil Bonello seconded that motion; a roll call vote was taken 5 ayes and 0 nays; motion passed.

**6. Police Report –** Chief Layman read his report and went over additional items that his department and the Clerk have been receiving; Drinking fountains at the stops are turned off in accordance with order from the Health Department due to COVID. Beaches are public and social distancing is required. Beach goers must police themselves. Please slowdown in the Village as there are many walkers and bike riders in the Village. The speed bumps will be painted yellow within the next 2 weeks. There will be no 4th of July Parade this year since day camp has been cancelled for the summer and the Women’s Club sponsor both events. Although Stop 39 is closed, over the weekend 3 men decided climb over the rail and fell about 15 feet. They had to be rescued by the fire department and were hurt. Phil Bonello asked if they were issued a fine and how much. Chief Layman said they were issued citations for trespassing. Kathleen Hogan Morrison wanted to inform the residents of Indiana that in the State of Michigan the law states that if a person is caught walking on or disturbing a Critical Dune there is a fine up to $5,000. Ryan has been talking with MIDOT regarding Highway 12 trying to get them to put the 2 lanes back to 4 lanes or suggested they need to improve the signage along the highway. The police have a new white police vehicle. Ryan is just waiting for equipment to be installed and detailed. Chief Layman said the Governor’s order requires that the July 10th meeting be Virtual again.

**7. Beach Commissioner** – Russell Bruesch reported on a positive note, Rusty Bruesch reported that the Village is blessed with beautiful beaches at 41 ½ and 42. Rusty reviewed the status of the beach stops. Stop 37 has a rock pile at the bottom of the dune. The only way that access appears possible is by placing a platform at the bottom and attaching stairs. Rusty was unsure if the dune was safe to access. 37 ½ has fallen trees and debris the stop is a mess from the April 22 storm. Stop 38 has exposed cement blocks that were put in long ago as wave wedges to project the beach. Now that the sand is gone and the cement blocks are exposed, Rusty believes the area is now dangerous to swimmers. A wave could cause a person to hit his head or get thrown against the cement blocks. If a person was injured, the first responders would have a difficult time saving the person. Stop 39 & 40 have 15 foot and 20-foot drops. Stop 43 had a great beach until the storm in April took the stairs and washed the beach away.

**8. Public Works/Water Authority Report –** Superintendent Rick Reitz (absent) – Heywood stated that the only thing attached to his report was 2 paving bids from ABC Asphalt and Walsh & Kelly. Phil Bonello pointed out there was a huge variance and had a few questions. Since Rick was not present, the council decided to table until the next meeting so Rick could answer some of the council’s questions.

**9. Water Board Report** – Rick Reitz – (Absent) tabled until the next meeting

**10. Clerk Report –** Anne Heywood asked for a motion to approve the check register, Kathleen Hogan Morrison made a motion to approve the check register for May in the amount of $93,765.59 as submitted; Mike Mintz, seconded the motion, motion passed.

 **OLD BUSINESS:**

1. **Update of pickle ball & tennis court** – Anne stated the goal was to have them ready for the July 4th weekend.
2. **Heywood Working on Plans for Replacing Playground Equipment in the Park**. Tabled until the committee can meet.
3. **Second Reading of 7/01/2020 - 6/30/2021 Budget** – Kathleen Hogan Morrison made a motion to approve the second reading of budget, Phil Bonello seconded the motion; a roll call vote was taken; 5 ayes and 0 nays; motion passed.
4. **Amendment of Budget 2019/2020** – Linda Stein made a motion amend the budget in the amount of $14,666.65 for the beach ladder at stop 42, rocking chairs for the porch, and $10,000 of which was for the purchase of a new police car; Phil Bonello seconded the motion; a roll call vote was taken 5 ayes and 0 nays; motion passed.
5. **Redo Resolution 2020-004 Millage for Emergency Services** – Mike Mintz made a motion to approve Resolution 2020-004 since the first one was submitted without estimated levy written in; Kathleen Hogan Morrison seconded the motion; a roll call vote was taken 5 ayes and 0 nays; motion passed.

**NEW BUSINESS:**

1. **Special Exception for Mr. Litwin -** Mike Mintz explained that the Special Exception request was part of procedure; required anytime an owner changes the use of the property. The Village Council can either approve or disapprove. If the council decided to do nothing on the request within 60 days, then the request was automatically approved. The Litwin’s would be using the Gerber property as an access point to move materials down to the beach. The seawall would connect with Gerber’s new seawall. Joann Fisher asked why the wall couldn’t be moved back 8ft. onto the Litwin’s property. Mike Mintz explained the topic graphic will give it a smooth seawall if they moved the seawall back it would create more damage. Mike Mintz also mentioned that 3 additional properties were seeking permits and would be asking for a Special Exception to connect all their seawalls. Lindsey Mathus from Edgewater was hoping the council would approve the other 3 projects since she had already applied for Special Exception with Ben Zimont at EGLE. Kathleen Hogan Morrison said she understood that Mathus had applied for the permits but until the Village had the paperwork, the council could not vote on those other 3 properties and should only be voting on the Litwin’s project. Sara the Village Attorney agreed that the Council could not vote on those 3 properties since they were not on the agenda and not until Ben Zimont sends the paper work to the Village. Sara said the council was free to discuss those other projects but told Lindsey Mathus the Council could not vote on them. Sara explained that a Special meeting could be called once the paperwork was in the Village office. Mathus asked how long it would take to get a Special Meeting, Sara said the Village would need at least 24 hours to post the meeting. Mike Mintz made a motion to approve the project pending review by Chikaming Open Lands; Phil Bonello seconded the motion; a roll call vote was taken 5 ayes and 0 nays; motion passes.
2. **Martha Forsyth Property next to Mr. Litwin** – Mike Mintz tabled until all paper work from EGLE is submitted to the Village. Mike Mintz stated a Special Meeting could be called if needed.
3. **The Village creating an ordinance requiring contractors with heavy machinery to pull a permit and bond –** Sara Sencia the Village Attorney said the Village didn’t need an ordinance. Sara was going to write up a form requiring the contractors to file a bond and insurance when working in the Village with heavy equipment. This form would be part of the building permit application package. Sara said this way it will hold the contractor liable if he should damage roads or property while working in the Village. Sara will have this form ready before the next meeting.

**PUBLIC COMMENTS:**

Mike Kinasz read his letter that he sent to the council concerning the beach stops. Mary, Willa Lang, Polly Kelly, and Durkin all talked about beach access.

Sara the Village Attorney spoke on behalf of the Council stating the council has a responsibility for the public safety and at some of these Stop’s emergency services would not be able to reach if someone was in trouble. Sara explained that private property insurance has different issues, concerns and limits than public property insurance. Sara reassured that the Village is checking on these stops daily to see if there is any change, but as of today it is the responsibility of the Village Council to keep these beaches closed for safety reasons.

Kathleen Hogan Morrison explained Stop 39 was the stop closest to her home and she would love to have it opened, but there is a drop of about 20 feet and with all the erosion the dune is only 3ft from the shelter. Rusty Bruesch stated there are 3 spots along Lake Shore Drive where the lake sits close to the road. The Village may need to secure the road and the utility lines that sit near Stop 39 if the Village should have another bad storm. Rick Reitz has already contacted the Corp of Engineers to see what steps the Village would have to take to make sure Lake Shore Drive is secure.

Resident Polly Kelly wanted Rusty to create a footpath down to Stop 38. Rusty explained this is a safety issue and liability to the Village with the cement blocks in the water. Rusty was asked if he could give a weekly update on the beach Stops. Anne Heywood said she could send out an email to the residents to advise of the status of the stops.

Phil Bonello asked how much it would cost to move the cement barriers in the water at Stop 38. Mike Mintz said he would have Anne Heywood make the call to find out. Linda Stein asked whether it was a good idea to remove the cement blocks at stop 38 since homeowners are putting stones on their property to save their homes from the erosion.

Tripti Kasal asked since the Village was seeking a price for Stop 38, if the Village would see the cost of removing the rocks at Stop 43.

Frank Mangialardi would like the Police Chief to review the rental ordinance regarding fireworks. He thought that the renters would not be fined and only the homeowner that rented out his house would be fined. Chief Layman said he would look it over with Sara and get back with him.

Joel Denenberg 4149 Creek gave the council an update on the water issue in his home that he has been dealing with for 15 months. He put a water filter in his home and put in new pipes. Anne Heywood would have Rick Reitz contact him about the progress of the Wightman Water Study being done for the Village.

Mike Mintz thanked the Village Attorney for being on the phone call to help residents understand Village responsibilities.

Mike adjourned the meeting at 3:26pm (EST)

Respectfully submitted,

Anne Heywood

**Next Meeting Friday, July 10 at 1:00 p.m. (EST) again by a “go to meeting” phone in session. See the Village Web site for instructions to join the meeting. Michianavillage.org**