



## MINUTES

**Monday September 21, 2015  
7:00 P.M., Barber School  
102 West Exchange Street  
Spring Lake, Michigan**

### **1. Call to Order**

President **MacLachlan** called the meeting to order at 7:00 p.m.

### **2. Pledge of Allegiance**

### **3. Roll Call**

**Present:** Doss, MacLachlan, Miller, Nauta, Powers, Van Strate.

**Absent:** Meyers

On a motion by **Nauta**, seconded by **Miller**, to excuse the absence of Council Member **Meyers**.

Yes: 6                      No: 0

### **4. Approval of the Agenda**

Motion by **Van Strate**, seconded by **Miller**, to approve the agenda.

Yes: 6                      No: 0

### **5. Consent Agenda**

A. Approved the payment of the bills (checks numbered 56995-57102) in the amount of \$401,957.20.

B. Approved the minutes for the August 17, 2015 Council Meeting and the September 14, 2015 Work Session.

C. Approved a sewer cleaning/root cutting contract with Plummer's Environmental Services, Inc. for an amount not to exceed \$13,273.30.

D. Approved a contract for hydrant replacement with Tiles Excavating for an amount not to exceed \$2,600.00.

- E. Approved a contract with Asphalt Paving, Inc. for two paving projects on Summit & Visser for an amount not to exceed \$54,400.
- F. Approved a contract for Mill Point Park sink hole repairs with Riverworks Construction for an amount not to exceed \$48,773.75.
- G. Approved a contract for concrete work at Tanglefoot Park with Lankamp Concrete for an amount not to exceed \$5,032.50 for 5 concrete pads.
- H. Approved a salary increase for the Village Manager to an annual salary of \$86,191.87 for fiscal year 2015/2016.
- I. Approved a purchase agreement for property located at 106 S. Buchanan from Spring Lake Township for an amount of \$350,000.00.

Motion by **Nauta**, seconded by **Doss**, to approve the Consent Agenda.

Yes: 6                      No: 0

## 6. General Business

### A. Presentation – Vredeveld Haefner

Doug Vredeveld will be in attendance to present his audit findings for fiscal year 2014/2015. A paper copy of the audit will be presented at the Council Meeting.

Mr. Doug Vredeveld, Vredeveld Haefner, was present and gave Council a brief overview of the Village Fiscal Year 2014/2015 audit. Mr. Vredeveld explained that 2 years ago there were 20 plus findings and material weaknesses and this year there are no findings or material weaknesses. Mr. Vredeveld also reviewed the Fiscal Year 2014/2015 financial statement with Council and praised the Village for the state of the finances.

### B. Acting Village Manager

Village Manager Chris **Burns** will be out of the country from September 23, 2015 thru October 5, 2015. In the event of an emergency, a staff person should be appointed to act on her behalf, sign necessary documents, respond to inquiries, etc.

Manager **Burns** explained that she will be out of the country and recommended, Clerk/Treasurer, Marv **Hinga** to be Acting Manager in her absence.

Motion by **Nauta**, seconded by **Van Strate**, to appoint Marv Hinga as the Acting Village Manager in Ms. Burns' absence.

Yes: 6                      No: 0

### **C. License Agreement – 510 Properties**

A License Agreement was approved on June 25, 2010 for use of property contiguous to 612 W. Savidge. That agreement expired on September 30, 2013 and Mr. Oleszczuk would like to renew it. Bob Sullivan has drafted an extension to the original agreement.

President **MacLachlan** introduced this item and Manager **Burns** explained an aerial view of the property in question and the terms of the original license agreement.

Greg Oleszczuk, owner of 510 Properties LLC, was present and asked Council to renew the License Agreement but to consider a nominal fee. Mr. Oleszczuk explained that he had signed the original license agreement but had felt that the amount of rent he was required to pay to use the alleyway was inappropriate since he pays taxes, had improved the alleyway and still maintains it.

**Nauta** asked if there were any other properties in the Village like this alleyway.

Manager **Burns** said there was Alloys' Ally, which was public, and none of the contiguous property owners paid to use it and the Village maintained and there was one by Wesco with a significantly smaller rental fee. Manager **Burns** explained that, at the time of the 510 Properties development, the license agreement with an expiration made sense because there were two different property owners on either side of the alleyway. Mr. Oleszczuk shared with Council that he currently had the VanPelt property under contract but they have not closed yet. Manager **Burns** said that in the event this sale goes through then Mr. Oleszczuk would own the property on both sides of the alleyway and it would make sense that he owns the alleyway too.

**Nauta** asked Mr. Oleszczuk if he would be interested in purchasing the alleyway property.

Mr. Oleszczuk said that he would if the sale of the VanPelt property goes through.

President **MacLachlan** asked Mr. Oleszczuk if he would be interested in having Council extend the agreement for the period of time for which he

has the option on the VanPelt property.

Mr. Oleszczuk said he would know in the next few months if he was going to act on the VanPelt property and suggested that, at that time, he could either purchase the property or renew the license agreement with a shared access agreement with a new owner.

**Powers** suggested a short term agreement with automatic renewal unless someone sends notice to a change in property status

President **MacLachlan** asked Mr. Oleszczuk if he was amenable to a one year agreement with an automatic renewal, unless he received notice by the Village, and paying the rent that was due from 2008 to 2013, from the original agreement, with a nominal fee of a dollar per year for the new agreement and to pay the attorney fees for the new agreement.

Mr. Oleszczuk said he would agree to those terms.

President **MacLachlan** said they would place the new agreement on the October 19, 2015 agenda for consideration.

## 7. Department Reports

**A. Village Manager:** Manager **Burns** reported that the Village had received a ZBA application from Mrs. Rita Braun regarding Judge Hulsing's order to send the All Shores Wesleyan Church issue to the Zoning Board of Appeals. Manager **Burns** said that when the application was received it did not include the application fee or the escrow but that several days later the application fee of \$350 was received, however, the escrow had not yet been paid. Manager **Burns** went on to say that the escrow amount is determined by Ordinance and is used to pay for consulting engineers, attorney fees and publications and that if there is escrow money left it is given back to the applicant. Manager **Burns** asked Council how they would like this issue handled since she did not have the authority to waive fees but that Council did if they chose to.

**Powers** asked if there is a procedure to waive fees. Attorney **Sullivan** said that the Ordinance would have to be amended in order to waive a fee.

President **MacLachlan** asked Council and ZBA member **Van Strate** if fees had been waived in the past. **Van Strate** said not since he joined the ZBA Board in 1997.

**Council** agreed they would not amend the Ordinance to waive fees for this situation either.

Manager **Burns** told Council that the book in front of them, *The Economics of Place, The Art of Building Great Communities*, is a very timely read as the Village is talking about the Downtown and reestablishing the DDA and the TIF Districts. Manager **Burns** asked Council to read the book and return it to her so that she could share it with Planning Commission members, ZBA members and any other board members that were interested. Manager **Burns** said that this book was a sequel to the book *The Value of Building Communities Around People*, but unfortunately that book was sold out and not in print any longer but that she had one copy and would be happy to loan it out.

- B. Clerk/Treasurer/Finance Director**
- C. OCSO**
- D. 911**
- E. DPW**
- F. Building**
- G. Water**
- H. Sewer**
- I. Minutes from Various Board & Committees**
  - 1. Parks & Recreation**
  - 2. Planning Commission**

## **8. Old Business and Reports by the Village Council**

President **MacLachlan** shared a synopsis of Manager **Burns'** performance appraisal.

## **9. New Business and Reports by Village Council**

No new business at this time.

## **10. Status Report: Village Attorney**

Attorney **Sullivan** said that he wanted to clarify the number of statements that Council had heard at meetings regarding the driveway litigation and "cherry picking" certain emails and statements over a period of time. Attorney **Sullivan** said it was important for Council and the public to know that all those documents were part of the litigation, they didn't come out after the litigation, and were reviewed by the Court when the Court made the decision that the process that was taken was not the right process, that if there was a question it should have gone to the ZBA and dismissing the law suit. Attorney **Sullivan** also said the Court did investigate the claims that were made and its decision was with that information up front.

## **11. Statement of Citizens**

Michele Yasenak, D.J. Eatmon and Steve VanBelkum attended the meeting representing the Heritage Festival Committee and generously presented the Village with a check for \$8,000 for the Central Park Capital Campaign.

Darcy Dye, 114 N Fruitport Road said that she and her husband David spend a lot of time worrying over and discussing the conflict that continues to go on over the South Fruitport Road issues and the blaming and ongoing court suits and the inability to sit down together as Municipal officials, MDOT officials, Church authorities and citizens is just really troubling to them. Mrs. Dye said that the congestion on M-104 isn't just about a church. That's an issue that more and more is going to need to be addressed from all the communities. Mrs. Dye said that at some of the Township meeting they had been talking about development of the 148th node with high-rise residential buildings and commercial endeavors in that little stretch of 148th Avenue and when you begin to think about population growth projected for our community over the next 30 years, traffic on that M-104 corridor will be a major issue that will have to be planned for. Mrs. Dye said that she and her husband David have begun to see that many of the issues that get polarized in the new paper, Council meetings and Planning Commission meetings are really nest egged in some bigger issues that involve long term planning and they would like to propose to Council that they consider forums to be held periodically in the community so that residents could get reliable information about projects such as the church driveway and then simply have a venue for putting on the table all problems and concerns without judgment. Mrs. Dye said this might give us our own version of a New England town meeting where people actually begin to admire and respect each other as they work together.

## 12. Adjournment

On a motion by **Van Strate**, seconded by **Nauta**, Village Council adjourned the meeting at 7:58 p.m.

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James MacLachlan, Village President

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Maryann Fonkert, Deputy Clerk