



MINUTES

**Monday October 19, 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 (7:08), & Van Strate.

Absent: Meyers & Powers

Motion by **Miller**, seconded by **VanStrate** to excuse Council Members Meyers & Powers.

Yes: 4 No: 0

4. Approval of the Agenda

Motion by **Doss**, seconded by **Miller**, to approve the agenda as presented.

Yes: 4 No: 0

5. Consent Agenda

A. Approved the payment of the bills (checks numbered 57103-57198) in the amount of \$337,378.09.

B. Approved the minutes for the September 21, 2015 regular Village Council regular meeting.

C. Approved Resolution 2015 – 15, a Resolution to approve the 2015 amendment of the Ottawa County Solid Waste Management Plan.

D. Approved a bid for website development from WebTecs, Inc. for an

amount not to exceed \$5,000.00.

E. Approved the Planning Commission recommendation to rezone 425, 427 and 431 E. Exchange from SFR-A to P, per a request from St. Mary's Catholic Church.

F. Approved a contract for tree maintenance with JB Tree for an amount not to exceed \$9,380.00.

G. Approved a working holiday for Village staff on November 11, 2015.

H. Approved the following Board & Committee appointments:

Board/Committee	Applicants	Staff Recommendation	Term Expiring
Parks & Recreation/Tree Board	Erik Poel*	Appoint	11/2018
	Matt Rice	Appoint	11/2017
Friends of Barber School	Gerald Langlois	Appoint	11/2018
Downtown Development Authority	Gary Hanks*	Appoint	11/2018
	Vincent Blake	Appoint	11/2018
	James Willison	Appoint	11/2018
Historic Conservation District	Shelly Brower*	Appoint	11/2017
	Bruce Campbell*	Appoint	11/2017
*incumbent			

I. Approved the use of Mill Point Park by Relay for Life of Tri-cities on May 21, 2016.

J. Approved the request of Cruise & Travel Experts to rent Barber School on December 18, 2015 and require them to obtain insurance to indemnify the Village.

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

Yes: 4

No: 0

6. General Business

A. FOIA Appeal

On September 28, 2015 a FOIA Appeal was received from Mr. Bernard Grysen related to a FOIA request dated 09/02/15. The names of the complainants were released to Mr. Grysen and his attorney at the hearing on 10/14/15. There is no other documents/information that were withheld from Mr. Grysen in the original FOIA request.

President **MacLachlan** introduced this item and asked Manager **Burns** to give an overview.

Manager **Burns** explained that on September 28, 2015 the Village received a FOIA appeal from Mr. Bernard Grysen related to a FOIA request dating back to the beginning of September requesting the names of complainants who had registered complaints against Mr. Grysen's home occupation. Manager **Burns** went on to explain that those names had been released at the court hearing October 14, 2015 so at this time there is no other documentation to release to Mr. Grysen so the recommendation is to deny the appeal based on the fact that all information has been disclosed.

Motion by **Doss**, seconded by **VanStrate**, to deny Mr. Grysen's appeal as all information has been disclosed.

Yes: 4 No: 0

B. License Agreement with Five Ten Properties LLC

At their September 21, 2015 Council Meeting, Village Council discussed an extension to a license agreement with Mr. Greg Oleszczuk for property located at 612 W. Savidge. Attorney Bob Sullivan has drafted a new agreement, per Council's instructions.

President **MacLachlan** introduced this item and asked Manager **Burns** to give an overview.

Manager **Burns** explained that at the September meeting there was a lengthy discussion with Mr. Greg Oleszczuk regarding property located at 612 W Savidge St., specifically, the alleyway that runs between Exchange Street and Savidge Street. **Burns** said the license agreement expired 2 years ago and the Village Attorney, Bob Sullivan, drafted a new agreement and Mr. Oleszczuk has agreed to those terms so at this time Mr. Oleszczuk is looking for a motion from Council to approve the licensing agreement.

Motion by **Miller**, seconded by **Doss**, to approve a license agreement with Mr. Greg Oleszczuk of Five Ten Properties.

Yes: 5 No: 0

C. Planning Contract

Contractual Planner Jennifer Howland will be on maternity leave starting

November 4th for approximately 3 months. In the event that a large project should come in for site plan review, the Village needs to have someone to review and process the application and attend the Planning Commission meetings. Zoning Administrator Lukas Hill has agreed to handle smaller issues, however his work load would not allow him to handle something of significance.

Present **MacLachlan**, introduced this item and asked Manager **Burns** to explain.

Manager **Burns** explained that while Village Planner, Jennifer Howland, is on maternity leave for approximately 3 months the Village is requesting approval to contract with Williams & Works in the event a large project comes up during this time. **Burns** said she and Zoning Administrator, Lukas Hill, met with Lynée Wells and her associate, Nathan Mehmed, and they are comfortable that Williams & Works can provide the services that would be needed should a plan come in. **Burns** said that previously Council had discussed what to do in the event the Planning Commission did not have anything on the agenda and historically those meetings have been canceled. **Burns** said at this point she felt that it would be an opportune time to provide a training opportunity while they had Williams and Works contracted. **Burns** said these training sessions could include the ZBA and she has also contacted the surrounding communities to see if they are interested in joining and sharing the cost.

Nauta asked if Hill would be doing any of the planning. **Burns** said that Hill is contracted for 4 hours a week and can handle small projects but if a large project came up he would not have enough time. **Burns** said that if no large projects come in they would utilize Williams & Works for training.

Motion by **Nauta**, seconded by **Miller**, to approve an agreement with Williams & Works for contractual planning services for November, December and January.

Yes: 5 No: 0

D. Public Hearing – 214 S. Fruitport Road

On September 22, 2015, the Planning Commission recommended denial (4-1) of the Conditional Rezoning request received from ASWC to rezone (with restrictions) a lot at 214 S. Fruitport Road from SFR-A (Single Family Residential) to P (Public).

On October 9, 2015 the Village received a protest petition requiring a 2/3 vote of Council in order to pass the Conditional Rezoning request.

On October 13, 2015 the Village received two (identical) requests from Ms. Rita Braun requesting a public hearing on the matter (pursuant to MCL 125.3401).

President **MacLachlan** introduced this item and Manager **Burns** explained that on October 13th the Village received a request from Ms. Rita Braun requesting a public hearing on the All Shores Wesleyan Church conditional rezoning request, but unfortunately, there was not enough time for the Council to hold a public hearing this evening because it requires a 15 day notice. **Burns** said, as was discussed in the Work Session, they would like to set the Public Hearing for November 16, 2015, at 7:00 p.m. at Barber School and the requisite 300 feet notices will be sent, as well as, publishing in the news paper.

Motion by **Nauta**, seconded by **VanStrate**, to set the public hearing for the Conditional Rezoning request for November 16, 2015 at 7:00 p.m. at Barber School.

Yes: 5

No: 0

7. Department Reports

A. Village Manager - Manager **Burns** said she had emailed out the Ottawa County Sheriff's Office report and the Fire Department's report when she received them today.

B. Clerk/Treasurer/Finance Director

C. OCSO

D. Fire

E. 911

F. DPW

G. Building

H. Water

I. Sewer

J. Minutes from Various Board & Committees

1. Planning Commission

8. Old Business and Reports by the Village Council

No old business at this time.

9. New Business and Reports by Village Council

No new business at this time.

10. Status Report: Village Attorney

Attorney **Sullivan** said he wanted to clarify that on the DDA TIF matter they will need to go through two separate processes rather than combining them as one and that is the reason that item is not before Council at this meeting. **Sullivan** said the consideration at the November meeting will be to extend the time period for it and list the projects. **Sullivan** said there will be a separate process to amend the boundaries of the DDA TIF district at the December or January 2016 meeting.

11. Statement of Citizens

No statements of citizens at this time.

12. Adjournment

Motion by **VanStrate**, seconded by **Doss**, the Village Council unanimously voted to adjourn the meeting at 7:18.

James MacLachlan, Village President

Maryann Fonkert, Deputy Clerk