

**Village of Elberta Michigan
Regular Meeting
Thursday, May 19, 2011**

A public hearing and regular meeting of the Elberta Village Council was held at the Community Building, Thursday, May 19, 2011.

Present: R.Manville, Bower, Jenks, L.Manville, Holmes, Thorsen, Soper, and Stapleton.
Absent: none

Guests: Matt McDonough, Scott Howard, Emily Votruba, Ruth Nanni, Carolee Ness, Ken Bonney, Marcia Stobie, Eric Luxford, Charlie Thompson, Connie Manke, Carl Noffsinger, Steve Laske, John Colone and guest and Kelli Stapleton.

APPROVAL OF MINUTES:

Motion by Holmes supported by L.Manville to approve the minutes from the April 21, 2011 meeting. Yeas - 7.

APPROVAL OF AGENDA:

Motion by L.Manville supported by Jenks to approve the proposed agenda. Yeas - 7.

PUBLIC COMMENT:

Marcia Stobie reported on the redistricting of the County. She said that her present district of City of Frankfort and Gilmore will change. Frankfort and Crystal Lake Township will be one district. Gilmore Township will be merged with Blaine, Joyfield and Weldon (Don Tanners' district). She said that she and Tanner will have to run against each other for the Commissioner's seat.

Kelli Stapleton discussed the merits of taking a particular district and giving it a name. She said the Village needs money and she feels that giving a designated area a whimsical name and promoting it as such will help to attract business to the area. Stapleton introduced John Colone, representing Hell, a town in southern Michigan. Cocone gave a presentation on the success that came from promoting their town of Hell. He outlined the many facets that had been used in their promotion. Cocone talked about the success that had been achieved. He and Stapleton both expounded on the idea of doing something outrageously different to attract business to the area and promote tourism. The use of Heaven in the Village's promotion could be used in a variety of ways. The Council thanked Cocone for his enjoyable presentation. R.Manville said that he felt that the Council needed to be shown that there was support in the Village for such a project. It was suggested that Council get behind the project.

M.Stapleton suggested that the meetings start with the Pledge of Allegiance.

Motion by Jenks supported by L.Manville to leave the regular portion of the meeting and

go into the advertised public hearing. Yeas - 7.

The purpose of the public hearing with the Council sitting as Zoning Board of Appeals is to accept public comments on an application for a variance submitted on behalf of Jerry Little at 427 Lincoln Avenue. The request is for a variance from the required lot size of 12,000 square to 7,200 and the square footage of the structure from 800 to 720. Soper who is the guardian of Mr. Little and agent for the project asked that Marcia Stobie give a presentation on the project. Stobie discussed the merits of allowing for the variances. She said that she had been working with Soper and the plans included moving in an existing house onto the lot and putting on an addition.

Holmes said the PC is currently working on amending the present ZO which will allow for this type of project without asking for a variance in the future. He said at least 50% of the lots in the Village are non-conforming under the current ZO.

Noffsinger spoke as Zoning Administrator. He said that the present project had been done without first obtaining a Land Use permit for the demolition. Noffsinger felt that Soper has a conflict of interest and shouldn't be making a decision on the variance. He also said that he didn't agree with the PC's proposed changes to the ZO. Noffsinger said that he was against granting the variances on the proposed project. He said that if changes are allowed on one parcel it will open up a can of worms and will set a precedence.

Art Melendez asked if wasn't possible to build on a 60' X 120' parcel. The present zoning doesn't allow for such without a variance.

Jenks asked if the project would meet the setbacks. Soper said that it would meet the setbacks.

Stobie added that the PC would be holding public hearings concerning the proposed changes to the ZO. She said things could change and that nothing was written in stone. Stobie said that the amendment to the ZO probably wouldn't be ready until Fall

No further comment. Motion by L.Manville supported by Holmes to close the public hearing and return to the regular portion of the meeting. Yeas - 7.

APPROVAL OF BILLS:

L.Manville said that she would be including the monthly receipts report with the accounting and payroll register amounts. Motion by L.Manville supported by Holmes to accept the receipt report (\$19,543.24) and approve the bills for April 1 to April 30, 2011 in the Amount of \$16,187.67 - accounting and \$8,105.30 - payroll for a total of \$24,292.97. Yeas - 7.

Department heads were heard from.

Parks & Rec: L.Manville said that the Farmer's Market opened today. Soper said there were 8 vendors. He also said there would be a new event (a triathlon) at the Solstice Festival. R.Manville asked Soper if he was all set with his permits for the Solstice fireworks. Soper said that they were still waiting to hear from the fireworks company.

Beach: Thorsen said the group that's involved in cleaning the beach has removed approximately 100lbs. of trash from the beach.

Presidents Report: R.Manville discussed his unsuccessful attempts to get information on the 911 calls. He is concerned and would like to verify with ALS that it is necessary that every time there is a 911 call that the 1st Responders are required to respond.

R.Manville reported that he had discussed the recent audit with the auditor and received favorable news. The auditor said that it appears that the Village had been able to reduce the financial deficit by a sizable amount. Wilson said the audit should be ready in several weeks.

R.Manville quoted from the General Law Village Charter concerning delinquent taxes and other debts owed by the Council to the Village. He also stressed the necessity of council members observing all Village Ordinances.

Thorsen said that he had found a company that could fabricate doors for the LSS. He said they would be expensive.

AGENDA:

1.D/A Variance Request - 427 Lincoln Avenue. Soper abstained from voting. Motion by Holmes supported by L.Manville to approve a request for a variance from the required lot size of 12,000 sq. ft. to 7,200 and the square footage of the structure from 800 to 720. Yeas - 6 Abstain - Soper.

2. D/A Land Conservancy. R.Manville said that the Village Attorney was concerned with the mineral rights on the Thorpe property. Quandt had outlined three options for the Village to consider. Matt McDonough of the Land Conservancy discussed the mineral rights on the property. He said the mineral rights had been conveyed on the warranty deed from Thorpes. McDonough didn't foresee any problems. The subject was discussed at length. Motion by L.Manville supported by Soper to move forward with the acquisition of the property pursuant to the Trust Funds standard procedures. Yeas - 7.

3.D/A Fire & 1st Responder's Contracts. Motion by Holmes supported by L.Manville to authorize the President and the Clerk to sign the Fire Contract (\$13,902.31) and the 1st Responders contract(\$3,136.28). Yeas -7.

4.D/A LSS Cleaning. R.Manville said that one bid of \$150 per event was received from Kristie Mills. Motion by Jenks supported by Holmes to accept Kristie Mill's bid of \$150

for cleaning the LSS per event. Yeas - 7.

5. D/A Budget Transfers. R.Manville explained that this was basically a paper transfer between funds. During budget time the Marina Fund had been closed so now it was necessary to transfer those funds to other funds. Motion by L.Manville supported by Jenks to transfer the funds. Yeas - 7.

6. D/A Village Investment Policy. R.Manville explained that in order for the Treasurer to be involved in any way with Village funds it is necessary to adopt an Investment Policy. Motion by Holmes supported by L.Manville to adopt the proposed Investment Policy. Yeas - 7.

7. D/A Marijuana Moratorium Resolution. Stobie, Chair of the PC, reported on the moratorium as proposed by the PC. She said the adoption of a moratorium for 180 days would allow time for the PC to research the growing and distribution of medical marijuana in the Village. She said the PC is working on an ordinance to address this issue. Motion by Jenks supported by Holmes to adopt a Moratorium on Medical Marijuana. Yeas - 7.

8. D/A Parks & Rec. R.Manville said that he has been in discussion with the Village auditor, Dave Wilson, concerning P&R. Wilson said that P&R is not being run under proper State guidelines. He said there is a 6% sales tax on items being sold by P&R that has not been paid. R.Manville talked about the \$500 that was donated by P&R to the Village of Benzonia for their ice rink. Wilson told R.Manville that expenditures need to be presented to the Council. R.Manville said that accountability by P&R has become a problem and the Council has to act on it. He said the books need to be cleaned up with one person in charge of them and that Manke needs a financial advisor. Manke was very agreeable to the suggestion. R.Manville said there needs to be transparency. L.Manville said that copies of the minutes will be included in future Council packets. It was said that all future projects be presented to the Council.

Public Comment.

Steve Laske said the Village crew was doing a great job with picking up all of the brush. He said he was glad that Jerry's house was gone but hates to think that another mess will be created. Laske also pointed out that there is a residence at the corner of Acre and Lincoln that has three disabled vehicles in the front yard and looks a mess. He also told of a residence on Crapo that has a lot of vehicles in it's yard. R.Manville said the Village would take care of it.

Stobie commended the Council on the meeting.

K.Stapleton asked the Council to further discuss the Heaven theme.

Votruba liked the idea of P&R turning in minutes.

Luxford thanked the Council for approving the 1st Responders contract. He also talked about the fire works for the Solstice. He said that he as Fire Chief must sign any documents associated with the fireworks.

Motion to adjourn was accepted.

Sharyn Bower, Village Clerk