

**Town of Beverly Shores**  
TOWN COUNCIL MEETING MINUTES – April 29, 2021  
Administration Building – 500 S. Broadway

The meeting was called to order at 7:00 p.m. and began with the Pledge of Allegiance.  
*(This meeting was broadcast live via Microsoft Teams and was recorded due to recommended coronavirus “social distancing” guidelines.)*

**Roll Call** - Council Members: Councilors Geof Benson, John Blackburn, Susan Loeb, Matrona Malik, and Thomas Weber were present. Also, present: Clerk-Treasurer Ellen Hundt, Marshal Ed Clapp, and Town Attorney Connor Nolan.

**Title VI Survey Availability**

President Benson announced the availability of the Title VI public involvement survey. This survey is available online via the Town’s website.

**Public Presentations**

Councilor Weber presented the attached power point.

**Public Comment**

*Geof Wendt (19 S. Oval):* Stated he believes the Town should tighten the purse strings and not spend money. Also that the Beverly Shores revetment is the best on the coast.

*Randy Jonas (837 E. Lake Front):* (email read by Councilor Weber) Asked why the sand was not replaced on the east end. President Benson answered said there was actually very little sand, not a dune but a cliff straight down. The sand was removed to level it and to ensure the equipment was not damaged. The water was already so close to the existing revetment. The crushed flat rock that exists now acts as a drain for when the water comes up over the rock. It is Ed Bracken’s opinion that anything that goes over it will clog the drain with a canal on the back side. The engineering firm will look at the proposal that the residents proposed and provide their opinion. Jonas stated that there was a lot of dune going all the way to Drexwood. What did they do with all the sand they took, and couldn’t they have placed it on the rocks as they went along? Stated that you can still have sand and drainage at the same time. Benson reiterated that there was not as much sand as Jonas thought. Bracken reported there was not a lot of sand there and it was incorporated back into the project. Jonas suggested a curb be put in due to people driving and parking along the edge of the road. Bracken suggested another layer of fine stone to fill in the voids to tighten up the road. A curb requires a base, and it would be an expensive project but there are other alternatives. Jonas stated people parking there is going to be a huge issue. Benson stated the drains require permitting and it is not an easy process and the Town has to maintain them.

*Katherine Sellew (841 E. Lake Front):* (email read by Councilor Weber) Sellew wrote the residents are asking for restoration of the dune to deter parking on the east end.

*Lara Rivera (4 S. Palmer):* (email read by Councilor Weber) Why was this restoration work performed without an assessment in other areas of the lakefront and not on the east end?

What is being budgeted for the restoration? When can we expect this work to be started and completed? Benson stated the engineering firm will evaluate and make recommendations before any work would get started. The east end is very different than other parts of the lake front. Weber reported that Smith Group can move ahead with this task quickly. Cannot comment on the budget because we don't know what the project is.

*Dave Wagner (603 North Forest)*: Stated the west end is very different. The plants are a structural part of keeping everything together. The stone on the east end is doing the same. The correct placement of decorative, bigger stones would solve the problem of people parking there with less cost and less disturbance of the water flow. Jonas agreed with the rock solution. Benson reported there are similar parking issues along the entire lake front.

*Ed Salomon (811 E. Lake Front)*: Stated the esthetics does not have to be part of the engineering plan, the east end is an eyesore, and there is no beach access. Marram grass should be planted. It is not acceptable esthetically. Weber stated hardscaping could be done. Wagner stated that there is a reason why the road doesn't flood because there are people in Town who break up the ice. Water flow and drainage is key on the east end.

*Marshal Clapp*: Scalloping on the road edges is happening the length of Lake Front. Some of the new paving doesn't have support underneath.

*Mark Alger (815 E. Lake Front)* (email read by Councilor Weber): How long will it take to get the work done so we can finally keep cars off of the shoulder? If the work won't be completed until summer then barricades need to be installed – or east of Drexwood closed to non-residents. Benson answered that closing the road did not work well.

*Donna Norkus*: (email read by Councilor Weber) Please articulate your thoughts on expected results, the level of spending and why this cannot wait. Weber answered that the maximum cost is approximately \$59,000. Blackburn stated that none of them are engineers but prior to getting bond, the TC promised that there would be a plan in place and that the Town had put the “cart before the horse”. The engineers will be able to explore different scenarios the Town might face with varying water levels. There was an expectation that the original revetment was to be maintained by the Town and it wasn't done. Norkus asked: Is this a new contract? Weber answers no, this is the same contract and tonight the TC will vote on a notice to proceed to actually begin conducting the work in the contract. Norkus asked: Is there an addendum to the Smith Group contract not posted to the town website? Again, my recollection from the special meeting is that you approved only the Army Corp work which is Task 1.2.C, also Phase A, in the Service Agreement. But Exhibit 2 of the agreement breaks out costs for each phase while considering all of 1.2 to comprise Phase A. Weber stated the only work approved so far was the portion of the contract that addressed the Army Corp of Engineers permit. Cost to date is \$3,005. Norkus asked: Are you providing Notice to Proceed with the balance of the \$213,450 contract and not just a portion of it as the agenda indicates? This is not clear. Weber answered it will be how they vote on it tonight. Benson answered that the notice to proceed on tonight's agenda is only what is covered in the Coastal Grant and would cost \$118,000 with the reimbursable Coastal Grant of \$59,000. Norkus asked: Specific to the east end lakefront between Drexwood and Drake, what is your expectation for moving forward on recommended restoration of the

roadside? In other words, if we assume the consultant either agrees with the basic proposal submitted by interested residents for restoration of the roadside buffer or suggests a viable alternative, what is next and when? Will the town council commit to acting on the recommendation? Will the town council commit to acting in a timely fashion? The basic proposal presented to the council came with a price tag of \$55,000. A commitment to act could be based on this estimate, setting a somewhat higher maximum cost as you have done when authorizing spending for lake front work in other areas of town. Weber answered yes that he is committed to acting on a recommendation from Smith Group. Attorney Nolan stated the tasks from the Smith Group contract that are covered by the Coastal Program Grant, and the agenda has verbatim, the tasks that are attached to the grant agreement. Listed as Task 1 – 4. They don't correspond directly with how the tasks are broken out in the Smith group agreement. Task 1 under the Coastal program (on the agenda) covers Phase 1 and part of Phase 2 of the agreement with Smith Group, that's Task 1.1 and 1.2 except for the work they're doing for the Army Corp. Task 2 includes the rest of Phase B from the Smith Group contract. Task 1.3, 2.1a, and 2.2a from the Smith Group scope of work and Task 2.1b within Phase C of the Smith Group scope of work as it's currently set up. Task 3 would include the Smith Group Task 2.2b from phase C. And Task 4 is just grant administration. What would be left is the last part of Phase C which is Task 3 and all of Phase D, which on it's own is the largest chunk of the contract cost for Smith Group, which is about 70,000 and not part of the Coastal Grant. Benson, Blackburn, and Loeb stated they cannot commit to anything without knowing what the project is and how much it costs. Malik stated she will commit to supporting a project on the east end with a limit of \$100,000 so as to reserve the money for the project. She does not agree with spending the last of the bond money on an engineering study. Benson stated that the bond money is not supposed to be saved indefinitely.

*Councilor Loeb:* Stated that the engineering study is a plan and an investment. The Town does not have a lot of money remaining. Planning is paramount. Smith Group will open up doors and help get projects funded. The Town does control the timing of the projects within the contract. And, with all the concerns about the east end shows a plan is needed.

*Dave Wagner:* Stated if the Town had waited to do the study, instead of doing the revetment work, somewhere the road would have collapsed. The people do not know what we're getting for our money. The Town only owns part of the lake front. Studies are fine but only if the other stakeholders involved allow work to be done. Weber reported there will be a steering committee and vetted with the NPS or other stakeholders.

*Councilor Blackburn:* We have 7 beach access points and will make sure Smith Group knows. The plans will help future Councils decide what needs to be done in emergency situations. Wagner asked if there was money budgeted for these situations. Benson answered yes. Loeb answered that the Smith Group will help identify and manage the risk. Smith Group understand the Town's situation. Wagner says the residents just want to know what they're getting for their money.

*Paula Tillman (713 E. Rogers):* How much money will be left after study? CT Hundt answered approximately \$109,000.

*Rebecca Alger* (815 E. Lake Front): (email read by Councilor Weber) With all of the money being spent on the engineering study, (\$120,000 - 150,000 net of grants?) will there be any money left for the cost of restoring the natural dunescape along the east end of Lake Front Drive? (Task 1.3) Weber answered that it would come out of the balance of \$109,000.

*John Wanner* (825 E. Lake Front): Hopes there will be a solution to the horrible parking lot that is on the east end.

*Councilor Malik* reiterated that without the engineering contract, the Town would have \$263,000 left for future needs. Malik motioned to restore the work on the east end of Lake Front Drive between Drexwood and Drake, provided that the Smith Group either approves the plan previously submitted by interested residents or recommends a reasonable alternative for a cost not to exceed a \$75,000. There was no second.

#### **Approval of Notice to Proceed to Smith Group for Tasks 1-4**

Vice President Loeb motioned to approve the notice to proceed with the tasks listed in the Lake Michigan Coastal Grant. Councilor Blackburn seconded. There was discussion about amounts. Councilor Blackburn amended the motion to add approval up to \$119,000. Loeb accepted the amendment. Councilor Weber reminded everyone that the grant will reimburse half the amount. Attorney Nolan stated the Town has 1 year to complete the grant work. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – nay. Weber = yea. The motion passed 4-1.

#### **Electronic /Remote Meeting Participation Policy**

Governor Holcomb extended the emergency order. This will be on the May agenda.

**Councilor Malik** motioned to approve up to \$75,000 for restoration work on Lake Front between Drake and Drexwood. Councilor Weber seconded. There was discussion. There was a roll call vote. Benson = nay. Loeb = nay. Blackburn = nay. Malik – nay. Weber = yea. The motion failed 3-2.

#### **Building Commissioner Appointment**

President Benson reported that Charlie Ray resigned as Building Commissioner. Vice President Loeb motioned to appoint Dave Wagner as interim Building Commissioner. Councilor Malik seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

#### **Town Council Comment**

None.

#### **Adjourn:**

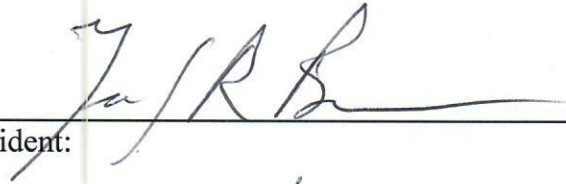
Motion to Adjourn by Councilor Malik.

Seconded by Councilor Weber.

There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

Time: 8:24 p.m.

Town Council President:

A handwritten signature in black ink, appearing to be 'J. R. B.', written over a horizontal line.

Attest:

A handwritten signature in black ink, appearing to be 'Ellen Hundt', written over a horizontal line.

Clerk-Treasurer  
Ellen Hundt