

**Town of Grottoes
Workshop Meeting**

CALL TO ORDER: The Town of Grottoes Town Council held a workshop meeting on Monday, September 14, 2020, at 6:00 p.m., with Mayor Emily Holloway presiding.

ATTENDANCE: Council Members present were: Mark Keeler, Jo Plaster, Tim Leeth, Joshua Bailey, and C.W. Stephenson.

Other Town Officials present were: Town Manager Nathan Garrison, Town Attorney Nathan Miller, Town Clerk Tara Morris, Town Treasurer Rhonda Danner, Public Works Director AJ Hummel, Parks Director Ashley Collier, and Police Officer Alan Johnson.

Mayor Holloway said that she had asked that we discuss the ball tournaments at Mountain View Park. She stated that she has received calls and said that the perception is the Town and the Little League don't have a good working relationship. Councilman C.W. Stephenson stated that they discussed using the lights with the Little League and the Little League did not want anyone using the lights due to the age and condition of the lights. He said we agreed not to use the lights and see how it goes. Councilman C.W. Stephenson said they will be in more discussions with the little league. Councilwoman Jo Plaster stated that she has not heard anything back from Derrick Mowbray and asked Ashley if she had. Parks Director Ashley Collier said that Derrick was going to take the dates to the board to see if any suited to meet with the Town, but she has not heard back yet. Mayor Holloway said she knew at the last tournament he was upset he received a call about using the lights and said it was discussed upfront that lights would not be allowed. She said she was not sure if someone knew him personally and called or what happened.

Mayor Holloway said the next topic is the Cares Act Funding. Town Manager Nathan Garrison stated that we have received money through the CARES Act and the Finance Committee has been discussing the best ways to utilize the money. He stated that the County is distributing the money to the Town's for public safety. He stated that we can use the money for Covid-19 health measures, facility upgrades to better protect staff. He stated that we have discussed putting a service window to the lobby of the Town Hall, so citizens do not have to come into the offices. He said we are looking at adding a wall in the foyer of the police department and add a service window there. He said we have talked about a keyless entry option at the town hall. Town Manager Nathan Garrison said we have discussed adding an exit at the

Stone Lodge so then we can have an entrance in one door and an exit out of another door. Town Manager Nathan Garrison said that he will be sending more information out when he gets it so that everyone can stay informed. Councilman Joshua Bailey asked if the money that goes into public safety salaries does the money already budgeted for that go into capital outlay or would it come back to the general fund where we can use it for other things. Mayor Holloway agreed and said she thought we were going to look at the total cost of the projects before we look at salaries. Councilman Joshua Bailey suggested instead of moving monies around that we should buy something that will help them do their job. Town Manager Nathan Garrison said he will check the CARES Act guidelines to see what we can and cannot do. Councilman Mark Keeler stated that he received an email from Sandra Clem who is over the Boys and Girls Club at South River. He said he has a copy of her budget and what they are doing to operate, which includes an 11-hour day, so parents can work. He said they are assisting the children with virtual learning. Councilman Mark Keeler said with their changes this is costing them dearly and they are losing about \$6,000.00 a month just at the South River location. He said there are only three Boys and Girls Clubs at the County schools and we are fortunate to have one here in Grottoes.

Mayor Holloway said next is committee reports and she will start with personnel committee. She said we have advertised the Chief's position and so far, we have not received any applications. Councilwoman Jo plaster said Smith Paving has completed most of the paving in town. She said there is a small section that needs to be done but they had a scheduling conflict with the milling machine. Councilman Joshua Bailey said the water and sewer committee will be scheduling a meeting. Councilman Tim Leeth said the special events committee met and said the Caverns will be cancelling the Halloween event and the Ruritans are cancelling the Caroling in the Caverns event due to Covid-19. He stated that we are still planning to have the Christmas parade and some sort of tree lighting ceremony. He said we just had the End of Summer Celebration at the park and that event was successful. Councilman Tim Leeth stated that we will also be doing the senior citizen luncheon but this year we will deliver a meal to them, so we will need Council and Town Staff to help get these meals delivered. Councilman Mark Keeler said we have the first reading on Chapter 4 - Administration ordinance and asked for discussion on the ordinance and the Grottoes Town Council Code of Conduct and Ethics on the October Workshop agenda. He said we will have the second reading on the noise ordinance after the public hearing and recommend at that point that we schedule a time to discuss and take action on that information after we receive information from citizens.

With no further business to discuss, Mayor Holloway adjourned the meeting.

Mayor Holloway called the Public Hearing for Monday, September 14, 2020 to order at 7:00 pm. Members present were Mark Keeler, Joshua Bailey, Jo Plaster, C.W. Stephenson, Tim Leeth, with Mayor Holloway presiding. Other staff present were Town Clerk Tara Morris, Town Attorney Nathan Miller, Town Manager Nathan Garrison, Public Works Director AJ Hummel, Parks and Recreation Director Ashley Collier, Town Treasurer Rhonda Danner and Police Officer Alan Johnson.

Mayor Holloway stated that the public hearing is being held to hear citizens comments regarding amendments to the noise ordinance. She said during the hearing there is no open dialog or discussion or answer questions this is a time for them to take notes and listen to the public comments.

Mayor Holloway said we will hear from the people that signed in for the noise ordinance.

Kitty Morris addressed the Council and stated that she has lived in Grottoes for 11 years and there is not much to do here. She said we cannot even get a fast-food restaurant. Kitty said Guss's is the place to go to take your family, have a nice meal, listen to music, socialize with your neighbors and friends. She said she does not understand why you would want to shut something down that is good for the community.

Donna Carneal addressed the Council and stated that she has lived here since 2000. She said she agrees this Town does not have a lot to offer. She said Thomas has offered this community quite a bit. She said during this pandemic they went out of their way to provide meals to our children and elderly. They have provided entertainment here which is something she does not ever remember happening in Town. Donna said in 2008 her family approached Council about the noise ordinance, due to a personal issue with a four-wheeler, and not one person on Council took the time to resolve their issue so why are we singling out his business now.

Mayor Holloway said we will hear from the people that signed up against the noise ordinance.

Angeliki Floros addressed the Council stated that she wants to mention that for the four months that everyone has been watching them they have never had a violation, complaints yes, but no violations. She said ABC, Sheriff's Departments, Health Department, Town Police have all then there. She said to please

keep in mind they are here for good things. She said wants to resolve the complaints because she does not want her neighbors upset with her but the decisions you make could destroy our business. Angeliki said Grottoes deserves music and it deserves happy people, and we are trying to provide a place for that.

Amanda Glover addressed the Council and said that she is a local business owner, and she feels that this is a great thing that Lil' Guss' is doing. She said it brings people in from all over. She said the main thing she wants to say tonight is they bring, fun, music, art, freedom, and community and those are things that everyone should be fighting for right now in our world. She said as leaders of this Town you need to consider everyone's mental health and how much a place like this is needed.

Philip Glover said that at the beginning of the meeting we were going to have people that were for the ordinance speak so he would like to take this opportunity to let any that is for the ordinance to speak before him, no one got up, and Philip said need I say more.

Rachel Jackson stated that she loves Lil' Guss' and all they have done for our community. She said she wanted to this time to show her support to Angeliki, Thomas and the entire staff and share why she thinks tonight's proposal to reduce the noise ordinance to 62 decibel level, which is basically the sound of a TV at normal volume, should not even be on the agenda. She stated just for reference the chatter that we had in here prior to the meeting starting was over 62 decibels and we know that because of measurement. Rachel said let us take a moment and think back to when Lil' Guss' was coming to Grottoes. She said they took a chance and rented a building that had seen several businesses come and go. They hired first time wait staff members because they live in Grottoes because they needed jobs. They supported different bands that had lost thousands of dollars because of cancelled gigs. They supported many of our organizations such as Grottoes Little League, Grottoes Cardinals, first responders and many others. She said through their own donations of food, staff time, supplies (like gas to cook with and take out containers) along with the generous donations from the community Lil' Guss' provided over \$14,000 in meals for the children and elderly everyday when schools were closed because of Covid-19 without even having to prove the need. You hear big business doing this all the time, but this is quite the undertaking for a local family owned business. She said the reason she knows this is because she asked. She said do you think sales are as good on non-music nights as they are on

music nights, not even close. Rachel said I am sure when they applied for their business license which is zoned Business the Town was aware, they would feature live music. She said as she read the noise ordinance she thought of the impacts of all the other events such as lawn parties and street dances but as she read down to the exemptions she saw where it doesn't apply to those things or Town sponsored events. She stated while that may be legal it is certainly not fair. She said she feels that instead of recognizing Lil' Guss' for all the good they have done it seems that we are trying to lower the decibel rating so low that it would make it impossible for them to have outdoor music of any kind. She said not only would this impact Lil' Guss' business it would also deter businesses alike from coming to Grottoes. Rachel stated that if a new noise ordinance needs to be implemented than she hopes there can be a compromise that will still allow outdoor music.

Thomas Marchese thanked everyone for coming out and supporting them. He said we just met last month and came to agreements on many things. He said he is not sure why this ordinance was trying to be pushed through under the rug. Thomas said that if he would not have found out about it last week everything would have gone unheard. Thomas said the only business that is going to be impacted from this ordinance is his. He said there would be some local families that may want to have a party that this would affect but no other business. Thomas stated that Nathan was fully aware of his intentions and his permit was granted. He stated during the whole time he fed the kids and the elderly there were no complaints. He said he came to the Town and asked Nathan if the Town would want to donate one month of meals taxes for the kids and the elderly and he said Nathan said we are not interested in doing that. He asked where are we pulling together? Thomas said we just met and worked through several things and nothing was ever mentioned about 62 decibels. He said he would not even be able to have the patio open because he had 25-30 people out there talking and laughing you can fine me. Thomas said so if this passes he would have to shut down his patio, and because of Covid he can only use half his restaurant with no bars stools, allowing him about 8-10 people in his restaurant and he is suppose to make it, there is no way. He has done the things asked by limiting the amount of people to 200 and lower the sound already. He asked the Council to give this a little more thought because right now it seems like I am agreeing to the things you are asking but when I asked that a police officer not sit at the corner of my property, and you agreed, there has been one there for the past three weeks. He

said he feels like you signed him up knowing what he was going to do and now you are cutting my legs out.

Brad Shifflett said he moved here in 2012 because we like the community and the activities for the children and adults. He said we have two issues at hand here with the first being everyone knows this change is directed towards one business and this business also at the start of the pandemic fed the children and the elderly. He said the change in this ordinance will put an end to birthday parties, graduation parties and family reunions that you might want to have. He stated a volume of 62 decibels is the equivalent to a hair dryer. He stated that during the summer they can clearly hear the noise from the baseball games and the bands at the carnivals. He said these are all things we enjoy but its no different than a restaurant entertaining to make money. This is not a fair adjustment to this ordinance. He said they had his son's birthday party with eight adults talking, six kids playing and a radio on low volume and they were constantly around 80 decibels, 62 is unobtainable for any size group at all. He said unless this ordinance is aimed at making Grottoes a retirement community to please reconsider making this ordinance effective for families in the area.

English Jackson addressed the Council and said in scripture its states to everything there is a season and a time to every purpose under the heaven included in that scripture there is a time to laugh and a time to dance. She stated over the past nine months, I like many others, have felt the rollercoaster of emotions. I was devastated that my last track meet of my college career was cancelled along with the entire upcoming spring season. The cancellations soon transferred into larger parts of our lives. Schools were cancelled, then church services and celebrations, next came businesses and large gatherings such as lawn parties, family reunions and festivals. Many of those in our community spent time weeping/mourning the loss of a job, of a graduation, of a social event. They were broken, worried and anxious. Many wondered where their next meal would be or how to make ends meet. Finding a time to laugh and dance was limited. Luckily during this time many of us was able to meet and be positively impacted by Angeliki and Thomas the owners of Lil' Guss'. Through our brokenness and tears they have supported our community at it most vulnerable times. Together with Lil' Guss' and with the donations of many individuals in the community they were able to feed numerous children and elderly while their doors were shut. English said let me repeat while there business was closed in the midst of their own worries and the midst of

their own struggles they supported individuals in need in our Town, in my home Town I am proud to call Grottoes. This support is not new to our community, we often come together. We annually go to the fire department lawn parties to support our community. She said we continually support each other in Grottoes. It's part of why our community is so successful and growing more and more each day. English said we were blessed a little over a year ago in welcoming Lil' Guss' to Grottoes and since they opened, they have been welcoming to everyone here. She said recently they sponsored events for a motorcycle suicide and awareness, Grottoes Police Department, and the Grottoes Cardinals Baseball. She said the community that gather at Lil' Guss' on Friday and Saturday nights is not the community that our Town needs to have meeting about or create new ordinances to keep in line. She stated there are larger issues in our Town that require attention. English stated imposing an ordinance that would eliminate every opportunity to regularly gather to laugh and dance is not what our Town needs right now or in the future.

Jeff Nicely thanked the Council for having the public hearing to hear everyone's concerns. He stated from working for the Town prior he has no doubt that they haven't received some complaints either about Lil' Guss' or noise in general but when he looks back at the time when he worked for the Town and was one of the persons that dealt with complaints he said 19 out of 20 was property maintenance issues. He said with noise we had a few barking dogs or kids riding dirt bikes. He said we had so many complaints about property maintenance that we rewrote the nuisance ordinance but asked what has changed. Jeff said its obvious Lil' Guss' is the change. He said he does not doubt that they get complaints but as we see tonight there is a lot of support here too. Jeff said he plays in a band that plays at Lil' Guss' and he has heard from some Council that they get complaints from their band. He said if you are going to play a live band with a drum there is no way you can play at 62 decibels. He said 80-85 is the lowest. Jeff said he is against the daytime decibels because as its proposed he cannot play a radio at his house or practice with his band. He said looking at the exceptions he can run a chain saw and power tools all day, but he cannot sit on his porch and play his guitar. He said noise is noise and if noise is truly an issue lets address all noise not just music.

Freda May said she lives at the corner of Cherry Avenue and 6th Street. She stated that she does not think that we should be trying to cater to the few people that have a problem the music when there are many here tonight that are in support of it. She

said she has set in her yard and listened to the music and she knows people are stressed, but they should just sit back, relax, and enjoy it.

Laura Osborne said she lives at 307 7th Street, so she is not even a half a block away. She said when Lil' Guss' first came to Town a little over a year ago she was going through a tough time from losing her husband. She said when she started going there it was like everyone there became her friend and was something she could look forward to. She said then they brought the music in. Laura said she never realized how good music is for the soul. She said it really can bring a lot of people out of depression. She said Lil' Guss' is not just a place to hang out they are like your family and have been a life saver for me.

Bill Stewart said he just opened a business on Aspen Avenue but wanted to express that Lil' Guss' is a place where families can gather, the town comes together. He said the ordinance that is proposed is ridiculous. He said this business is family-oriented place and he is against the ordinance.

Peggy Stewart said that everything that has been said has been right on. She said they have supported the community and are like family to all.

Randy Drumheller said he is not here to speak about Guss' he is here to speak about the paper he got. He said he is questioning the decibel level that would be detrimental to someone's health. He said the proposed is 62 daytime and 57 night. According to Michigan Medicine 60 decibels is a normal conversation. He said he is a disabled veteran, and he cannot even talk at 60 decibels and Bill cannot hear at 60 decibels. He said harmful decibels is 90 or above over time. Randy continued to question the standards and procedures and the temporary permits. He said he knows they are not going to answer any of these, but he still would like to know. He said reading over this he feels it is fluffed and stuffed. He said the last thing he is going to say is on a legal basis he feels you are violating life, liberty and a pursuit of happiness and feels it is unconstitutional. He said again he is not speaking on Guss' part he is speaking on America's part and the way this is written is illegal.

Steve Harris said he is a musician (he's the Karaoke guy) and if you're not aware a toilet flushes at 75 decibels. He said a band typically plays at 110 decibels. The talk about it being dangerous to your hearing is if you are standing next to the speakers. He said when he moved to Town, he lives near the train

tracks. He said at first it drove him crazy them blowing the horn three times but now he does not even hear it. He said if he has company the first thing they say, is oh man you have a train. He said now he can sleep right through it at 3:00 am. Steve said this is new to the citizens living around Guss' and is sure it bothers them like the train bothered him, but to give it some time because you before you know it you won't even be paying any attention to it. He said being a musician he has been to some rough places and this is the most community-based place. He said people bring their kids and their dogs and come to listen and socialize. He said you can have the lower decibels and you are still going to have some complaints. He said some people are just not happy no matter what. He said how many places do you go that you know the owners name of the restaurant and that they come talk to you and thank you for coming. He asked does anybody know the owners name of Texas Roadhouse, I did not think so.

Mayor Holloway asked if the Council had any questions on the ordinance. Councilman Jo Plaster said she just wanted to thank you all for coming out tonight in support of a local restaurant. Council must take time to go through the complaints we have received good, bad and all. She said we have taken this seriously and said she has taken everything they have said tonight seriously. She said at this time she would encourage Council as introduced that we would take this information we got, and we will review it and come to something that is reasonable for the sake of everyone. She thanked everyone for coming and thank you for your insight and your voice.

Mayor Holloway adjourned the public hearing.

Mayor Holloway called the Town Council meeting to order.

Councilwoman Jo Plaster made a motion to approve all the minutes as presented in the packet. Councilman Tim Leeth seconded the motion. Council Members Mark Keeler, Joshua Bailey, Jo Plaster, C.W. Stephenson, and Tim Leeth voted in favor of the motion, motion carried.

Councilman Joshua Bailey made a motion to approve the bills to be paid as of September 14, 2020 and the remaining bills for August 2020 totaling \$148,829.64. Councilman Mark Keeler seconded the motion. Council Members Mark Keeler, Joshua Bailey, Jo Plaster, C.W. Stephenson, and Tim Leeth voted in favor of the motion, motion carried.

Councilman Joshua Bailey made a motion to approve the Treasurer's report for the month of August 2020. Councilman C.W. Stephenson seconded the motion. Council Members Mark Keeler, Joshua Bailey, Jo Plaster, C.W. Stephenson, and Tim Leeth voted in favor of the motion, motion carried.

ORDINANCE HEALTH AND PROPERTY

Councilman Mark Keeler announced the first reading on amending Chapter 4 - Administration Ordinance. He stated that he moved the first reading on amending chapter 4 and that discussion on chapter 4 and the proposed Grottoes Town Council Code of Conduct and Ethics be placed on the Workshop Agenda for October. Councilman Tim Leeth seconded the motion. Council Members Mark Keeler, Joshua Bailey, Jo Plaster, C.W. Stephenson, and Tim Leeth voted in favor of the motion, motion carried.

Councilman Mark Keeler moved the second reading on amending Chapter 113 - Noise ordinance and recommend that the Town Council schedule a time to discuss and take action on the information that we have received from the citizens. Councilwoman Jo Plaster seconded the motion. Councilman Joshua Bailey asked if we were moving it. Mayor Holloway said we were basically tabling it and asked Mr. Keeler to amend and reword his motion. Councilman Mark Keeler said he does not know that its tabled he would like for us to go ahead and set up a time that we can meet. Town Attorney Nathan Miller said it needs to be a structured motion to table it with the condition that it be considered at the workshop. Councilman Mark Keeler made a motion to table the Noise ordinance and scheduled on the October's workshop agenda for discussion. Councilwoman Jo Plaster seconded the motion. Councilman Joshua Bailey said that he really feels like the draft form as it is written should be voted on tonight because as its written Andy Griffith cannot even pick his guitar on his front porch in Mayberry. He stated that we should deny it tonight and move forward with another draft form or send it back to Planning Commission with different recommendations. Mayor Holloway said we will vote on the motion that is on the floor which is to table the noise ordinance and discuss it at the October workshop meeting. Councilman Mark Keeler voted in favor of the motion. Council members Joshua Bailey, Jo Plaster, C.W. Stephenson, and Tim Leeth voted against the motion, motion denied. Councilman Joshua Bailey made a motion to deny the current proposed noise ordinance from Planning Commission. Councilman C.W. Stephenson seconded the motion. Councilman Tim Leeth said that while he does agree that the proposed decibel level is too low, he still feels we need some way of a

measurable rating. He said right now the police could come say its too loud turn it off, but if we had a measurable reading then we would know. He said 62 decibels for daytime hours is too low, but we need to come up with something. Councilman Mark Keeler said that he feels the Planning Commission has done their part in amending this ordinance and asks that if it is denied then it not go back to the Planning Commission. He said the Planning Commission has done the job the Town Council has asked and feels the Council can make the necessary changes. Councilman Joshua Bailey said that Tim is right and thinks there is a misperception by a lot of people in this room thinking this Council was out to get a business or out to get somebody. He said that is not the case at all. We did receive complaints from citizens surrounding your business about noise. Councilman Joshua Bailey said you came to the meeting and concessions were agreed upon. He said in Chapter 113-4(i) you are in direct violation and that cannot happen. He said people think that the draft was draft with exceptions for the Town. He said the current ordinance has those exceptions in it. Councilman Joshua Bailey said that we need to find that happy medium and that is what we are going to do if we deny this proposed ordinance. Councilman Mark Keeler said that we are only dealing with one small portion of the noise ordinance tonight and that we must keep in mind the other complaints and changes like to the animal section as we move forward. Mayor Holloway said the current motion on the floor is to deny the current noise ordinance as it is presented tonight. Councilman Joshua Bailey, Jo Plaster, C.W. Stephenson, and Tim Leeth voted in favor of the motion, Councilman Mark Keeler voted against the motion, motion carried.

Councilman Joshua Bailey made a motion to issue Lil' Guss' a 60-Day permit allowing him to operate in an exception under our current ordinance with restrictions of outdoor music on Friday and Saturday nights until 9:30 pm and Sunday 5:00 - 8:00 pm. Councilman C.W. Stephenson seconded the motion. Councilman Joshua Bailey said that he wanted to make sure that Lil' Guss' can still operate while the Town is working to amend the Nosie Ordinance. He said under the current ordinance they would not be able to operate but has been due to lack of enforcement on the Town. Councilwoman Jo Plaster said that she does not feel we need to make any move to change anything at this time and that we should motion to convene to work out and hash out what is reasonable and what is not on our ordinance, so she is not in favor of any change at this point, but is in favor of bringing this up at a workshop where we can collectively come together at a meeting of the minds that make sense. Councilman Mark Keeler asked since we did not table the motion will this need a first

and second reading again because that will take months. Town Attorney Nathan Miller stated that it would require the first and second reading along with another public hearing on the new proposed ordinance. Councilman Joshua Bailey commented to just answer Councilwoman Jo Plasters statement. He said we are not changing anything but we have to issue him a special use permit to operate because if we start enforcing the current ordinance in the book now than we would have to shut him down and that's not fair. Councilwoman Jo Plaster stated that we are changing times. Councilman Joshua Bailey said okay but we are allowing him something to operate. Town Attorney Nathan Miller said you can do that and if you do not give him a special permit to operate than he falls under the current code. Council members Mark Keeler, Joshua Bailey, Jo Plaster, C.W. Stephenson, and Tim Leeth voted in favor of the motion, motion carries.

SPECIAL EVENTS

Councilman Tim Leeth announced the Grand Caverns 5K Race will be on September 26th at 6:00 pm. He said that Fire Department will be having Sunday Lunch on September 20th from 11:00 am - 1:00 pm. Councilman Tim Leeth said the senior citizens luncheon will be on October 10th and we will be delivering the meals. He said deadline to order meals is September 30th and there will be no late exceptions.

NEW BUSINESS

Councilman Joshua Bailey stated that he did draft some changes to the current ordinance which changes the daytimes hours, like he recommended at the August workshop meeting, to 9:30 pm and wrote in two items under the exceptions section. He stated that item (Q.) would be Live music performances at a place of business, such as a music venue, club, restaurant, or hotel with sound amplifying equipment during daylight hours on Friday and Saturday. Sound monitoring equipment and limiter is required and is to not exceed 85 decibels. He said this will put it back on the place to have the limiter and we would not have to purchase decibel readers. He stated item (R.) Live music performances (acoustic) without sound amplifying equipment or microphone Sunday through Thursday during daylight hours at a place of business, much as a music venue, club, restaurant, or hotel. Councilman Joshua Bailey said this would put in exceptions into our current ordinance to allow for the venues to have music but also a way to control it for the surrounding neighbors. He stated that this would but it back on the businesses or the band

to prove their decibel rating. He said this is just a proposal and if you would like to see it, he has copies.

With no further business to discuss Mayor Holloway adjourned the meeting.