

**VILLAGE OF ORTONVILLE
VILLAGE COUNCIL
AUGUST 27, 2007**

President Bess called the meeting to order at 7:30 P.M.

Pledge of Allegiance

Members Present: Batten, Bess, Flath, Green, Hanes, Hayden, Kassuba

Members Absent: None

Manager Coy, Clerk/Treasurer Clark, Leanne Panduren of Rowe, Inc., Susan Bromley of the Citizen, Phil Foley of the Reminder, Bill Prince and Kevin Booms Ortonville DPW and 13 citizens were also present.

APPROVAL OF AGENDA

***MOTION** by Green seconded by Batten to approve the agenda as amended, adding under

Unfinished Business:

G. Post Office

New Business:

D. Letter Kay Green

E. Pot Machine

MOTION CARRIED

APPROVAL OF CONSENT AGENDA

***MOTION** by Green seconded by Batten to approve the Consent Agenda including the following items.

- Approve minutes of the Special Village Council Meeting, August 22, 2007

AYES: 7

NAYES: 0

MOTION CARRIED

***MOTION** by Batten seconded by Kassuba to approve the minutes of the August 13, 2007 meeting as corrected.

AYES: 7

NAYES: 0

MOTION CARRIED

MANAGERS REPORT

Green asked Coy if the Planning Commission has started working on the Sign Ordinance?

Coy stated that there was no Planning Commission meeting in August, it will be on the agenda in September.

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Hayden asked if the Ordinance Violation letters have gone out yet?

Coy stated that the letters would go out this week on other violations in the Village.

***MOTION** by Green seconded by Hanes to accept the Managers Report as presented.

**AYES: 7
NAYES: 0**

MOTION CARRIED

DPW REPORT

Kassuba disagreed with the DPW Report saying that Edwards Street has been cold patched, there is a large pot hole .

Hayden stated that he felt there has been over use of the crack filler on South and Church Streets.

Prince disagrees with Hayden about Church Street.

Hayden thinks we should do other streets and fill the shoulders of Church Street with cold patch instead.

***MOTION** by Hayden seconded by Batten to accept the DPW Report.

**AYES: 7
NAYES: 0**

MOTION CARRIED

UNFINISHED BUSINESS

- A. WASTE AWAY – MATT MCKAY** – Joan McKay on behalf of Matt stated that, currently the Company does not have the money to get the DEQ results. The building has been insulated and they are currently working on the drywall.

Bess suggested that there may be some loan money available from the Main Street Program.

***MOTION** by Green seconded by Kassuba to review the Waste Away progress in 30 days.

**AYES: 7
NAYES: 0**

MOTION CARRIED

- B. SIDEWALK EVALUATION** – Coy stated that Council has before them a proposal from Rowe Inc. at a cost not to exceed \$2,750.00, for the following work:

- To determine the specific criteria for sidewalk replacement
- Field evaluation of the sidewalks in the Village, with proposed replacement quantity per block per street.
- Review final quantities with Village Council to determine the final scope of project to bid this year.

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- Prepare minimal bid documents including advertisement for bids, instruction to bidders, bid form and general project and sidewalk specifications. Proposed sidewalk quantities will be listed as a total per block per street in the bid documents, no construction drawings will be provided.
- Coordinate with the Village to advertise for bids, cost of advertisement to be paid directly by Village.
- Facilitate the bid opening, tabulate the bids and prepare a contractor recommendation for Council.

***MOTION** by Batten seconded by Hayden to contract with Rowe Inc., for the proposed sidewalk evaluation at a cost not to exceed \$2,750.00.

AYES: Batten, Hayden, Flath, Bess

NAYES: Kassuba, Green, Hanes

MOTION CARRIED

C. STREET SWEEPER – Coy discussed with Council the street sweeper issue.

***MOTION** by Green seconded by Flath to sell the street sweeper as.

AYES: Green, Flath, Batten

NAYES: Hanes, Hayden, Kassuba, Bess

MOTION DOES NOT CARRY

D. SKATE PARK - GREEN – Green presented a draft Skate Park Ordinance and several cost projections:

- Moving the skate park using a contractor, \$56,653.00
- Moving the skate park using volunteers, \$44,153.00
- Redoing the fencing, installing motion sensor lighting \$17,760.00

Flath stated that he felt that as the upcoming election may tremendously change the Council this should be a decision of the new Council.

***MOTION** by Hanes seconded by Green to have the DPW immediately remove privacy fence in the south west corner of the Skate Park.

AYES: 6

NAYES: 1

MOTION CARRIED

***MOTION** by Green seconded by Hanes to reopen the Skate Park Monday through Friday from 6:00 – 8:00 p.m., on Wednesday August 29, 2007 through October 30, 2007.

AYES: Green, Hanes, Flath, Batten, Kassuba, Hayden, Bess

NAYES: None

MOTION CARRIED

The Skate Park Ordinance will be placed on the agenda following the completion of the attorney review.

E. LIGHT ORDINANCE – COY – Discussion was held regarding the lighting issue. At this time Council does not want to adopt a Lighting Ordinance.

Coy will see if the light on Village Court has been adjusted.

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- F. **21 CHURCH STREET – HEIDI BARKHOLTZ** – Barkholtz stated that the condemnation was promised over a year ago, it was not processed when it appeared that the home was sold, now months later after the home has been sold nothing is being done. With the failed septic there have been puddles of water in the driveway that were loaded with e-Coli. In fact now there is a trailer setting in the yard, a pile of debris in the back yard, bricks falling off the chimney. How long do the residents have to put up with this?

Scott Ballor stated that much of the required work has been completed and inspected, he is still working on the septic system with the Oakland County Health Department.

Clark stated that to her knowledge no permits have been pulled for any work done at the house, a preliminary code inspection was done by the Building and Electrical Inspectors, so that Ballor would know what was needed to bring the house into compliance. No inspections other than the initial code inspections have been completed.

***MOTION** by Green seconded by Hayden that all outside issues and permits must be pulled for inside work, prior to the next Village Council Meeting on September 10, 2007, to avoid potential commencement condemnation of 21 Church St.

AYES: Green, Hayden, Kassuba, Batten, Hanes, Flath, Bess
NAYES: None **MOTION CARRIED**

- G. **POST OFFICE – GREEN** – Green asked Coy if he has sent a letter to the Regional Postmaster regarding the pillars at the Post Office?

Coy stated that a letter has not been sent the Postmaster has contacted him.

Green stated that she would talk to her (the Postmaster) tomorrow.

NEW BUSINESS

- A. **CABLE FRANCHISE AGREEMENT** –Coy stated that he has not brought this agreement to Council because of the cable Internet issues.

***MOTION** by Green seconded by Kassuba to authorize Manager Coy to sign the Uniform Video Service Local Franchise Agreement with Charter Communications on behalf of the Village of Ortonville.

AYES: 7
NAYES: 0

MOTION CARRIED

- B. **CHIARI BANNER COY** – Coy presented a request from Devin Kalisz to place a banner below the Beets, Beats and Eats banner at South St/M-15 recognizing September as Chiari Malformation Awareness Month. The banner would be in place for the month of September.

***MOTION** by Green seconded by Hanes to authorize the hanging of the Chiari Banner at South St/M-15 for the month of September.

AYES: Green, Hanes Batten, Bess
NAYES: Kassuba, Hayden, Flath

MOTION CARRIED

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- C. **FOIA COSTS - CLARK** – Clark stated that in the past the Village has not had many FOIA (Freedom of Information Act) requests, she stated that she has received an ongoing request and would like Council to set a per page price. By law we charge the time required for the research and copying at the lowest paid employee rate and a cost per page.

***MOTION** by Kassuba to set the per page cost for FOIA documents at ~~\$.50~~ \$1.00 per page.

MOTION DIES FOR LACK OF SUPPORT

***MOTION** by Hanes seconded by Hayden to set the per page cost for FOIA documents at \$.25 per page.

AYES: Hanes, Hayden, Batten, Flath, ~~Kassuba~~, Green, Bess

NAYES: ~~None~~-Kassuba

MOTION CARRIED

- D. **LETTER TO KAY GREEN** – Bess presented Kay Green a letter of appreciation from Council for her 18 years of service on the Village Planning Commission.
- E. **POT MACHINE** – Batten stated that he understands the Village purchases a Melting Pot Machine with out Council approval.

Bess stated this was a special circumstance.

Batten stated that there are no special circumstance that requires something like this happening with out contacting all of the Council members. If this town is going to be run this way then why do we need a Council and I for one will turn in my resignation tonight.

Coy stated that for his part it would not happen again.

Bess stated that from now on Council would be notified before any action will be taken.

GENERAL PUBLIC INPUT –

Glennis Hubbard thanked Batten for his stand and said that this is just beginning. Council should expect further repercussions regarding this issue.

Aileen Champion asked if the Village could research a speaker system, it is difficult to hear in the back of the room.

Melanie Nivelt asked why Council meetings are not broadcast on TV?

Bess stated that the appropriate sound system is not available.

Kassuba stated that the equipment is now available.

Nivelt asked if the Village currently has a website?

Coy stated that it is not complete.

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Wayne Wills spoke regarding 21 Church St. the Village needs procedures in place, the paperwork for condemnation was on the Village Managers desk for 6-8 months with no action.

COMMITTEE REPORTS:

- A. **Parks and Beautification** – Chairman Hanes Nothing thank-you.
- B. **Building & Maintenance** – Chairman Green nothing thank-you
- C. **Streets** –Chairman Batten nothing thank-you.
- D. **Old Mill** –Chairman Flath the addition of the shed is nearing completion.
- E. **Emergency Management** – Chairman Hayden nothing thank-you.

***MOTION** by Hanes seconded by Batten to close the public portion of the meeting and open an Executive Closed Session to consider the purchase or lease of real property, at 10:12 PM.

AYES: Hanes, Batten, Hayden, Kassuba, Flath, Green, Bess
NAYES: None

MOTION CARRIED

***MOTION** Green seconded by Flath to close the Executive Closed Session and open the public portion of the meeting at 10:47 PM.

AYES: Green, Flath, Kassuba, Hanes, Hayden, Batten, Bess
NAYES: None

MOTION CARRIED

ADJOURNMENT

***Motion** by Hayden seconded by Batten to adjourn the meeting at 10:48 P.M. **MOTION CARRIED.**

Respectfully submitted,

Mary E. Clark
Clerk