

Village of Ortonville
Township Offices – 395 Mill Street, Ortonville, MI 48462
Ortonville Village Council Meeting
August 10, 2009 – 7:00 P.M.

President Quisenberry called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Roll Call:

Present: Batten, Green, Champion, Eschmann, Nivelt, Kassuba, Quisenberry

Absent: None

Also Present: Village Clerk – Heidi Barckholtz, Village Treasurer – Larry Brown, approximately 30 other people. Village Manager Ed Coy was not present.

Approval of Agenda:

Added Item C (Unfinished Business) - **Native Garden update** at the request of **Trustee Kassuba**.

Motion by **Trustee Nivelt**, seconded by **Trustee Batten**, to approve the agenda with the addition of item C under Unfinished Business.

All in favor, the Motion carried.

Approval of Council Meeting Minutes:

Minutes of Village Council Meeting – July 27, 2009

Corrections: Page 1 – Change the date to August 27,2009

Motion by **Trustee Champion**, seconded by **Trustee Eschmann**, to approve the minutes of the June 27, 2009 Village Council Meeting.

All in favor, the Motion Carried.

Acceptance Items:

A. **Fire Department expenditures – July 2009**

Item Accepted

Disbursements:

Clarification sought for the following invoice(s):

13# What is the reasoning for the additional reviews by Rowe Inc. for Mill Street drainage project?

5# What locations are included in the Richfield Equities bill?

Motion by **Trustee Kassuba**, seconded by **Trustee Eschmann**, to approve disbursements in the amount of \$3777.66

Roll Call:

Ayes: Green, Champion, Eschmann, Nivel, Batten, Kassuba, Quisenberry

Nays:

All In Favor, the Motion carried.

Public Comments (Agenda Items Only):

Carrie Fenton - Village Resident – Brought to the meeting an AKC certified pit bull therapy dog. Noted it is a travesty to put into play a breed specific ban. She feels the problem is bad owners not the breed.

Connie Fleck - K-9 Companion Rescue Group – She noted she has adopted out at least five hundred dogs in Oakland County. The dogs they rescue are placed solely on their temperament, not breed. She stated she is upset with specific breed targeting.

Liz Waters – Village Resident – Presented the council with literature discussing breed specific laws and ordinances. She noted that through the years there have been bans on different breeds such as German Shepherds and Doberman Pinchers and pointed out the bans do not work. She does own a pit bull and has never had any issues.

Caroline Glasscock – Flint resident – Noted that she does own a pit bull. She stated that the pit bull is the type of dog that needs training and a responsible owner would seek training for the correct handling of this type of dog.

Marie Shaner – Village Resident – Stated that she allows her children around her neighbor's pit bull and noted that any dog can bite.

Frank Wise – Village Resident – Has continuing issues with neighboring pit bulls. He stated he is now receiving threats from people leaving flyers in his mailbox. His neighbors were too scared to attend the meeting. He is nervous about being in the Village at all because of the dog issues. He noted that the paper made a mockery of the issue with the article they ran in the Citizen interviewing the owners of the pit bulls in question.

Amy Guirey – Owner of the Village Pub – Stated the issue is not the dog but the owner and suggested upon people licensing their dog, be required to take a class to show they are capable dog owners.

Lisa Riley – Stated that pit bulls can be wonderful dogs and the issue is not the dog but a prosecution problem. She noted owners should be held accountable.

John easterly – President of the Bully Kennel Club – Offered information to the fact that specific breed bans do not work. Noted no dog can be deemed vicious because of breed specifics.

Aaron Mendez – Stated he used to work for the Village DPW and was available for the part time position if they needed additional employees.

Devan Kaylis - 310 South Street - Noted she is a pit bull owner and that lockjaw in pit bulls is a myth. She further noted being educated about your animal is important.

KimO'Brien – Brandon Hill Drive – Noted her street is not safe because of these pit bulls. She is a taxpayer and expects the Village to provide safety for the neighborhood children.

Bob Darden – American kennel club – Offered information pertaining to an ordinance that utilizes a tiered system that identifies dangerous animals through contacts with the court system. Also noted Farmington Hills has a bulletproof dangerous dog ordinance.

Haley Kermis – Township resident - Stated owners are the ones responsible for bad dog behavior and the cost of a breed ban is costly.

Ann Alice – Questioned how a new ordinance was going to be enforced if Brandon Township is not doing it currently. She also noted that the Native Garden is beautiful.

Cynthia Seralie – Pointed out that education is the key to owning a pit bull and the Village should look into researching ordinances already in place that work and are enforced.

Sue Marquee- Bridge Wood Church – Offered information pertaining to the banner for the Feed the World In One Day event.

Unfinished Business:

A. Intergovernmental Cable Franchise Agreement.

Discussion started with President Quisenberry noting concern with Section 8 of the new version of the contract between the Village and the Township. The agreement discusses both parties needing to be in agreement to terminate the contract. President Quisenberry noted he did not like the lack of an escape clause and stated it was not in the Village's best interest to enter into an agreement that they, the Village, could not opt out of. President Quisenberry noted he made the concerns on the record so the Village Manager could go back to the Township and come up with different wording that would allow the Village to enter out of the said agreement if they chose to do so. Trustee Green also noted concern with the wording of section 8 relating to the ability to terminate the contract. Trustee Green questioned or sought clarification as to why the school was being included as one of the contractual parties. President Quisenberry and Trustee Nivelt clarified that they are the ones that use and manage the equipment and should stay on to assist with the review of station operations. Trustee Nivelt noted concern with the final paragraph of section six. She felt that the wording was unnecessary, inappropriate, and felt it should be removed entirely. Trustee Champion agreed with this and noted she thought the last discussion held about the agreement the Council had asked this wording to be removed. Trustee Nivelt noted the Township had not agreed with that request. Trustee Eschmann stated that he felt the paragraph Trustee Nivelt referenced was only relative to section six and did not apply to the entire agreement. Trustee Eschmann questioned if the Village's legal had reviewed the agreement as well as Brandon Township's legal. Trustee Nivelt noted that there was not a clear answer to whether the Township had their legal look at the agreement. Trustee Eschmann felt it important that the Village's legal look at this before signing the agreement.

Motion by Trustee Green, seconded by **Trustee Champion**, to table intergovernmental franchise agreement.

All in favor, the Motion carried.

B. Dog Committee Update

The Dog Committee presented to the Council a dangerous animal ordinance that they as the dog committee had drafted. The discussion was started by Trustee Nivelt stating the ordinance was not breed specific nor did it specify any one animal. The newly proposed ordinance referenced keeping your dog on a leash when walking, maintaining a secure kennel, requiring signs for kennels stating "dangerous animal" if the animal has a bite record, and requiring a muzzle for dogs deemed dangerous through a bite record. Sgt. Burkett of the Oakland County Sheriff's department offered into discussion that after looking over the proposed ordinance, it would be enforceable. He is aware of the problems at Brandon Hills Drive and clarified that they will enforce what ever comes into play. The problem with enforcement is the prosecution process is slow. He added that the Sheriff's department does not have that authority to remove a dog unless there are specific circumstances with the dog being at large. Trustee Nivelt clarified that the

proposed ordinance did not include animals that bite a person who is trespassing on the owner's property, an animal that is provoked, nor an animal protecting its owner involved in an assault.

Motion by Trustee Green, seconded by **Trustee Champion**, to proceed with the Dangerous Animal Ordinance and have the Village Manager move forward with it
All in favor, the Motion carried.

C. Update on Heritage Garden – Trustee Kassuba stated she and Trustee Green met with the Native Plant Committee and had ironed out things in regards to the Heritage Garden. She was offered clarification by Cylia Ryker why the garden could not be completely cut back during the summer months. The committee agreed to cut back some in the fall and more in the spring. Trustee Kassuba asked that Council members offer their opinion on what the garden needs or what should change. Both Trustee Green and Trustee Kassuba felt their meeting with the garden committee was productive.

New Business:

A. Acceptance of Village Manager's Retirement Notice

President Quisenberry noted that no retirement letter was included in the Council's meeting packets. For record purposes the Council would receipt Manager Coy's verbal notification received on July 30, 2009. He noted that they would have a written notice next week and this discussion was for acknowledgement only.

B. DPW – President Quisenberry

President Quisenberry started discussion on the DPW presentation proposal drafted eight weeks ago by he. President Quisenberry noted it was there for additional review, discussion, and to vote on and that the Council had looked at three possibilities or directions to go in concerning the DPW. The first was to completely contract out or privatize the department, second was use a firm such as Kelly services to handle the hiring and paying of DPW employees, and the third was to manage the DPW in house. President Quisenberry noted that he felt the third option was the best option for the Village and hoped the Council would vote on it. The discussion continued with the specifics of the proposal. This included one full time DPW that would be paid an hourly the rate of \$20.00 working up to 2080 hours a year. Part time would include one to three employees that would split the 2080 yearly hours. President Quisenberry noted that the council needed to move forward with the proposal due to upcoming Village events that would require DPW services. Trustees Nivelte, Trustee Eschmann, Trustee Green, and Trustee Champion requested more comparative facts and figures and did not feel comfortable voting for the proposal with out the facts in place for review. President Quisenberry clarified that the DPW is not a new issue and the Council has had several months to research the options that were presented. He further noted that the DPW is the Village's main service to the community and the taxpayers want to see their dollars at work. Trustee Batten thought the proposal was headed in the right direction and the Council should not wait for the hiring of a new manager nor contract services out. Trustee Nivelte, Trustee Green, and Trustee Champion agreed to work together to compile information and comparables for the next meeting.

Motion by **President Quisenberry**, seconded by **Trustee Kassuba**, to have the Village Council adopt the proposal submitted, a three-page document, regarding the direction of the DPW as presented.

Roll Call:

Ayes: Kassuba, Batten, Quisenberry

Nays: Eschmann, Nivelt, Green, Champion

The Motion failed with a 3 to 4 vote.

C. Renewal of Verizon Metro Act Telecommunications right of way permit

Discussion occurred as to what the permit was for and why it was necessary. President Quisenberry noted that it is a standard permit that is done yearly.

Motion by **Trustee Champion**, seconded **Trustee Nivelt**, to renew the Verizon Metro Act Telecommunications right of way permit with authorization given to the Village Manager to sign permit.

All in favor, the Motion carried.

D. Approval of Banner for One Day to Feed The World Event

Susan Marquee from Bridge Wood Church offered information on the event and why they were requesting the banner to be hung in Ortonville. She noted that it was an event to feed the hungry but also a great opportunity for the community to come together. The request was for the banner to be hung either across the street or in the location that the DDA hangs their Beats, Beats, and Eats sign. Several Trustees questioned who will hang the sign and who would check the procedure for hanging it. Mrs. Marquee was advised by council to contact Molly Lalone of the DDA to get specifics for hanging the sign.

Motion by **Trustee Green**, seconded by **Trustee Champion**, to approve the request for the One Day to Feed the World Event banner to be put across the road and stay up until August 30, 2009.

All in favor, the Motion carried

Public Comments (Items not on Agenda):

Aaron Mendez – Village resident – Advised the Council there are continuing issues at the skate park, which includes foul language from the neighboring homeowners to the kids using the park, negative comments about Bob the park monitor, and increasingly angry parents of skaters that are being harassed by the neighbors.

Richard Angelo - Questioned the Council if the current ordinances in place could take care of the current dog issues and noted the Dangerous Animal ordinance draft may not be necessary

Items from Trustees:

Trustee Green – Questioned why the meetings are being taped if there are no microphones in place. She noted that there is no point in taping the meetings if what is being said cannot be heard by people watching the meeting on TV.

Trustee Champion- Noted she is the liaison for the Historical Society and attended a dinner and tour at the Hadley Museum. She noted that it was beautifully done is a very nice place to visit.

Motion by **Trustee Batten**, seconded by **Trustee Eschmann**, to adjourn the Village Council Meeting.

All in favor, the Motion carried.

Meeting adjourned at 9:02 p.m.

Respectfully Submitted,

Heidi Barckholtz
Village Clerk