

**Village of Ortonville**  
Township Offices – 395 Mill Street, Ortonville, MI 48462  
**Ortonville Village Council Meeting**  
**7-27-2009**

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, Kassuba, Nivel, Quisenberry

Absent: None.

**Also Present:** Village Manager - Ed Coy, Village Treasurer – Larry Brown, Village Clerk – Heidi Barckholtz, and approximately twenty other people.

**Approval of Agenda:**

No Changes

**Motion by Trustee Champion**, seconded by **Trustee Eschmann**, to approve the agenda.  
**All in favor, the Motion carried.**

**Approval of Council Meeting Minutes:**

A. Minutes of The Village of Ortonville Council Meeting on July 13, 2009.

Corrections: Page 3 – Remove the word “we” from sentence mid way down the page.

**Motion by Trustee Green**, seconded by **Trustee Nivel**, to approve the minutes of July 13, 2009 Village Council Meeting Minutes.

**All in Favor, the Motion carried**

**Acceptance Items:**

A. **Treasurers Report - June 2009**

Item accepted

**Disbursements:**

Clarification sought for the following invoice(s):

# 3 Questioned if the Village is just a pass through for the amount shown to Brandon Township?

#13 Questioned who decided that the Old Town Hall needed new tables and why?

**Motion by Trustee Eschmann**, seconded by **Trustee Nivel**, to approve disbursements in the amount of \$5420.68

**Roll Call:**

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

**Nays:**

**All in favor, the Motion carried**

**Public Comments (Agenda Items Only):**

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**Louis Robins – Native Gardens Committee** –Mrs. Robins questioned whether she and others from the Native Garden Committee would have time to respond to the agenda item concerning the native garden at a later time in meeting being she was not clear on what the concerns were.

**Frank Wise – 330 Brandon Hill Drive** - Mr. Wise voiced concern with several pit bulls from the apartment complex near his subdivision running loose and entering his yard. He wanted to note that the concern is real and that is why many of his neighbors were attending the meeting. Mr. Wise has felt threatened by these dogs on several occasions and called the Oakland County Sheriff's Department and Animal Control for assistance and felt they were both slow to respond. Oakland County Sheriff's department advised him the next time the dogs entered his yard to shoot them. He stated he does not feel he can safely spend time in his yard with his children due to these dogs roaming free.

**Mark Klank – 855 Village Pine Lane** - Mr. Klank lives directly across the cul-de-sac from the dogs Mr. Wise had early mentioned. He noted the dogs are very aggressive and they will stand you down when you tell them to go home. He stated that he has also been told by the Oakland County Sheriff's department to shoot the dogs if they come into his yard. Mr. Klank questioned the safety of firing a weapon inside the Village limits.

**Amanda Andrews – 332 Brandon Hills Drive** – Mrs. Andrews researched how other communities took care of problems with vicious dogs. She offered to the Council ordinances from other towns that had banned pit bulls or put restrictions on them. She also voiced great concern about the safety of the children in the area with these dogs roaming free.

**Kim O'Brien – 336 Brandon Hills Drive** – Mrs. O'Brien noted that she is a neighbor to the people having issues with the pit bulls. She stated that having worked with dogs in the past, knows that the pit bull's behavior is very instinctual and is very worried about the children in the neighborhood. She says part of the problem lies with the dog owner's lack of respect for their surroundings.

**Rick Meckavinchi** – Mr. Meckavinchi wanted the council to note that some people may love the garden and others may not. He, being a wildlife biologist, stated that the Native Garden could be a good alternative to manicured mowed lawns that do not provide habitat for wildlife. Mr. Meckavinchi also stated that the Ortonville Master Plan approved last September contained goals that would foster itself to a historical community, which encourages natural landscape plantings. He voiced the fact that the Village already supports the garden through the Master Plan.

**Unfinished Business:**

**A. Additional Insurance Requirements:**

Discussion occurred as to what the Village should do about additional insurance coverage on the Old Town Hall. Trustee Champion noted that although the insurance company came back with an appraisal of a million dollars for the Old Town Hall, and they are requesting an increase in the premium, the cost of getting a private appraisal done for all the Village buildings would be extremely costly. President Quisenberry recommended paying the additional premium to keep the policy out of jeopardy and address the coverage again at the policy's renewal.

**Motion** made by **Trustee Champion**, seconded by **Trustee Nivelt**, to approve the payment of \$209.00 for our loss control coverage from July 28, 2009 to October 15, 2009 to EMC insurance company.

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**Roll Call:**

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

Nays: Batten

**Motion carried with a 6 to 1 vote**

**B. Dog etiquette:**

Discussion started as to why this issue was on the agenda. Trustee Nivel asked that it be put on the agenda due to Mr. Wise and other neighbors expressing to her concern about dogs running loose in the Village. Trustee Nivel questioned Mr. Wise, a Village resident, as to the specifics of the attacks that took place in his neighborhood. The initial attack took place across the street from Mr. Wise and a police report was made. The dog was put in quarantined and returned to the owner after a fine was paid. Mr. Wises' encounters with these dogs did not include a bite but he did notify the Oakland County Sheriff's department. Mr. Wise clarified that there are several dogs in question and are owned by several different families in the neighboring apartment complexes. The dogs in discussion were the same dogs involved in an attack of a smaller dog at Narrin Park several weeks prior. Trustee Champion continued the discussion noting that there are several dogs at the North end of the Village that are also of concern. Trustee Champion did offer to the Council an ordinance from Walker Township banning pit bull and exotic animals. The Council agreed that some sort of action be quickly taken in regards to these dogs. President Quisenberry stated the quickest way to a resolution would be to form a committee. Trustee Nivel, Trustee Green, and Trustee Champion volunteered to be on the committee that would research and recommend a resolution of this matter to the council the next scheduled meeting. No action taken at this time.

**C. Cable Franchise agreement**

President Quisenberry clarified that Manager Coy handed the council an amended agreement moments before the start of the Council meeting and felt the matter should be tabled until everyone had adequate time to review it.

**Motion by Trustee Green**, seconded by **Trustee Eschmann**, that the Cable Franchise agreement be tabled until the next meeting for adequate review.

**All in favor, the Motion carried.**

**New Business:**

**A. Smart Funds**

Discussion occurred as to what SMART funds were and how the Village could utilize them versus passing them on to Brandon Township. Trustee Green with the support of other Council members could not find a use for the Smart funds by the Village. Trustee Green felt the funds would be of better use to the Township to assist with the Senior Center vans.

**Motion by Trustee Nivel**, seconded by **Trustee Eschmann**, to transfer SMART funds to Brandon Township.

**Roll Call:**

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**Ayes: Kassuba, Eschamann, Nivelt, Batten, Green, Champion, Quisenberry**

**Nays:**

**All in favor, the Motion carried.**

**B. Native Garden Concerns**

Manager Coy started the discussion in regards to the garden stating that three years ago the past council granted permission to the DDA to have the garden put in at the Old Town Hall. Since that time the garden has received mixed comments and reviews even though the garden is growing well. He noted that there was a grant awarded for the cost of plants given by a county agency and is not sure how that would be affected if the garden was changed or moved. There were several positions on the garden given by Council Members, Native Garden Members and the general public.

**Trustee Kassuba** -Received multiple complaints on the condition and look of the Native Garden at the Old Town Hall. Although she appreciates the natural beauty of the garden, she does not share the view that it is in an appropriate place for that type of garden. Trustee Kassuba noted the garden needs cleaning up, given more definition, and needs attending to. She stated that the garden at the Old Mill looks wonderful and feels that is a better setting for this type of garden. She questioned the Committee's plans once the five years were up.

**Trustee Green** – Commented that the grasses are too tall and make the garden look sloppy. It could remain if the grasses were cut down to allow better growth for the other plants.

**Trustee Nivelt** - Noted that the tall grasses are crowding the sidewalk and when people walk near the plants, and the plants are wet, their clothes are getting wet. She stated other plants would be a better fit such as Black-eyed Susans or Rose bushes. She noted that the new park on Hadley Road might be a better setting for the type of garden in discussion. Trustee Nivelt also stated that the Native Garden did list in their proposal the exact plants that are currently found in the garden and does not want to see the plants destroyed.

**Trustee Eschmann** - stated the garden needs to be in a more natural setting and does not fit in to the surroundings due to many of the plants looking like weeds. He noted a compromise might be placing it in a more natural setting versus destroying the garden all together. Trustee Eschmann asked that the Native Garden Committee check the said grant and how it would be affected if the garden were moved. He asked if the committee would support moving the park if asked to do so.

**Trustee Champion** - Questioned whether all the plants in the garden were native and with its current state, is that the way a native garden should look? She asked if the committee would consider thinning the garden out to make it look better?

**Trustee Batten** – Does not feel that is the right location for that type of garden.

**President Quisenberry** – Noted there was maintenance done the past weekend. He noted that he agrees with most council members but less in its compromise. He noted the garden either needs to stay or go. President Quisenberry stated that there have been three or four compromises since the conception of the garden and the problems do not go away. He stated that although there are those who may like the garden, the Council all agrees that the garden does not look well regardless of what the community thinks.

**Celia Ryker** – Native Garden Committee member – Informed the council that there are gardens of this type being put in all over the country such as Boston, Chicago, and even Fenton has native grasses in several locations. Ms. Ryker noted that the grant given was for the term of five

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years, was allocated for a specific site meaning it would not transfer to another location, and required the garden to be in a highly visible location. She offered specifics on the garden to help the council better understand why the garden looks as it does. The tall grasses and certain plants provide balance in the garden and the plants provide natural bug control and lessen the use of pest control. The removal of certain plants would through off the eco system of the entire garden. Removing the plants and replacing with others would be costly and the Native Garden committee does not have the money to replace plants. She noted that they have modified some of the grasses from the garden, re-potted them, and is currently trying to sell them at the native plant nursery with hopes of returning money to the DDA. She noted that the Native Garden Committee would not likely approve moving it to another location and if asked to end the garden would return the plants to the nursery.

**Cheryl Gualt** – Township resident – Ms. Gualt stated that manicuring the garden would destroy it. The intent of the garden was to represent the historical sense of what the Village looked like years ago. She further noted that the garden has educational purposes in that it shows how people can stop destroying the environment.

**Ruth Verbinski** – Native Plant Committee member – Ms. Verbinski was questioned by Trustee Green as to what the percentage of area would have to be refilled if the grasses were removed. Ms. Verbinski noted that nothing in the garden is three feet tall and if all the grasses were removed the corner of each bed would be gone equaling a third of the garden. If the removal of the edging grasses occurred that would equal up to half of the garden. Ms. Verbinski questioned the council as to whether or not they have ever taken the time to notice the wildlife going in the gardens such as ducks, birds, and butterflies. She noted to the council that if the decision was made to have the garden removed the entire garden would be gone including the fencing, pavers, plants and the volunteers to maintain the site. She emphatically stated there would nothing but an empty lot.

**Elizabeth Less** – Ms. Less noted that beauty is in the eye of the beholder. People will complain no matter what type of plant is in the garden. She offered the fact that the garden flowers any time of the year and wildlife love it. Ms. Less stated the concept is showing people that we do not need pesticides or fertilizer that is polluting our shallow wells.

**Bob Flath** – Village resident – Mr. Flath stated he appreciates what the garden committee is trying to do but feels the business district is not the location for this type of garden. He noted it might be better suited for a setting at the Old Mill near the creak.

**Jim Bates** – Village Resident – Mr. Bates stated he feels blindsided with the views and the motion made by the council. He noted that he volunteered to do the electrical for the garden and a lot of people including himself put a lot of hard work into the project. Mr. Bates also stated that with the economic status, change could be costly and green is the new way to go. He encouraged the Council to shelve the issue for further discussion and research.

**Glennis Hubbard** – Village resident – Mrs. Hubbard defended the council on the issue and noted that this issue did not just come up tonight. Residents have been coming to the meetings since the garden was completed and complaining about the way it looks. She reminded everyone that the Council represents the citizens and the people do not like the garden.

**Motion by Trustee Kassuba**, seconded by **Trustee Green**, to manicure, clean up and more define the area around the Old Town Hall.

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**Roll Call:**

**Ayes:** Nivelt, Kassuba, Green, Quisenberry

**Nays:** Eschmann, Champion, Batten

**Motion carried with a 4 to 3 vote.**

**C. Parade Permit for the Cruise To Ortonville**

A Parade permit was requested by the DDA for the Cruise To Ortonville event on August 2, 2009 from 7:30 am to 4:30 pm. President Quisenberry noted that this is a yearly event and the request is reasonable and recommends approval of a motion.

**Motion by Trustee Champion**, seconded by **Trustee Batten**, to approve the Parade Permit requested by the North Oakland Bowties Car Club for the Cruise to Ortonville event on August 2, 2009 from 7:30 am to 4:30 pm blocking Mill Street from Church Street to South Street and maintaining a clear drive between vehicles and blocking Pond Street from Mill Street to Church Street.

**All in favor motion carried.**

**Public Comments (Items not on agenda):**

**Steve Wilson** – Mr. Wilson questioned the Council as to who will define what is manicured and will just continue to recycle the issue because of the terminology used. He does not feel the Council will be able to support their motion.

**Items from Trustees:**

**Trustee Eschmann** – Stated we live in a rural community and he does have ducks in his yard along with rabbits and deer, so the issue regarding the garden is really location.

**Trustee Champion** – The clock in town does not work. Can it be fixed? Questioned Manager Coy about lighting the flagpole at night and has the issue been addressed?

**Trustee Green** – Attended the “Heat Stays On” benefit in Goodrich last Saturday. She noted that there was a good turn out and there will be money this winter to help people in the community with their heating costs.

**President Quisenberry** – Noted he attended the DDA meeting this morning and was given a booklet for any one to look at. The Oakland County Main Street Program held an award ceremony awarding seven of the DDA communities’ accreditation. Ortonville’s DDA was one of the communities receiving the award and received some nice comments in the booklet. President Quisenberry questioned what day would work for Council members to hold a closed session meeting. All Council members agreed upon Thursday. The meeting will be posted for Thursday, July 30, 2009 at 6:30 p.m. at the Village offices.

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

**All in favor, the Motion carried.**

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**Meeting adjourned at 8:30p.m.**

Respectfully Submitted,

Heidi Barckholtz  
Clerk – Village of Ortonville