

VILLAGE OF LAKE ODESSA
REGULAR COUNCIL MEETING
February 21, 2011
PAGE MEMORIAL BUILDING

Meeting called to order at 7:01 p.m. by President Banks.

Pledge of Allegiance.

Council present: Janet Thomas, Mel McCloud, Charles Jaquays, Mike Brighton, Karen Banks, Mike Rudisill

Absent: Patti Caudill

Staff present: Mark Bender, Pearl Goodemoot

Public present: Jeff Sanderson of the Lake Odessa Fire Department, Rob Fisk of 1018 Fifth Ave, Kendall and Kerry Wilcox of APEC, Inc., Mike Callton, State Representative of Nashville, Michigan, Bob Cobb of 923 Fifth Ave, Mike and Marilyn Reed of 922 Lakeview Dr., Mike and Kecia Dillon of 918 Emerald Circle, Mary and Cindy Gillette of 1002 Lakeview Drive, Colleen Debler of 930 Emerald Circle, Helen Mudry of J-Ad Graphics

Motion by McCloud, support by Thomas to approve the agenda as presented. Motion carried.

Public Comment: None.

Motion by Thomas, support by Brighton to approve January 10, 2011 regular meeting minutes as presented. Motion carried.

BILLS

Motion by Thomas, support by Rudisill to approve all expenditures for the period 01/01/11 thru 01/31/11.

Motion by Thomas, support by Jaquays to approve payment of invoices in excess of \$1,500.00, as follows:

\$2,425.57 to Consumer's Energy, \$2,961.66 to Fuelman, \$1,943.00 to Tri-County Homeworks; \$3,097.49 to Morton Salt, \$1,770.00 to Jackson Dirt Works, Inc., \$2,120.00 to Williams & Works. Motion carried.

Representative Mike Callton discussed Governor Snyder's budget proposal and inquired about the Village's statutory and constitutional revenue sharing.

CONSENT AGENDA

Motion by McCloud, support by Thomas to approve the consent agenda, as follows: Lakewood Wastewater Authority meeting minutes for January 19, 2011; Lake Odessa Community Library December 2010 meeting minutes and financial statements, Lake Odessa Area Arts Commission meeting minutes for January 24, 2011, Lake Odessa Fire Board November 2010 meeting minutes and Fire Chief's Report and Lake Odessa Planning Commission November 22, 2010 meeting minutes. Motion carried.

MANAGER'S REPORT

Manager's Report: Manager Bender had nothing new to report.

Bender corrected the Jordan Lake Avenue streetlight removal amount from the January council meeting. The amounts were transposed. The estimated cost reflected and the January Meeting to take down the overhead lights except at the intersections of Tupper Lake Street and Bonanza Road should have been \$3,000.00. The actual final cost is \$2,579.00.

COMMITTEE REPORTS:

Personnel/Finance Committee: No report.

Recreation/Special Projects Committee: No report.

Janie Rodriguez Award Ad Hoc Committee: No report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

President Banks moved item F) Five-Year Recreation Plan to be addressed first under New Business. Bender explained the process of updating the Recreation Plan in order to obtain grant funding.

Motion by Brighton, support by Rudisill to go into public hearing. Motion carried. Public hearing opened at 7:16 p.m.

Mike Reed of 922 Lakeview Drive discussed the wording in the Recreation Plan regarding the boat dock and the end of Fourth Avenue. He expressed concerns about the disruption to the neighborhood that a boating dock would cause in addition to parking issues.

Mike Dillon of 918 Emerald Circle expressed opposition to a public dock, citing parking and privacy issues. Dillon suggested a rewording the Recreation Plan so that it does not reflect the boat dock at 4th Avenue.

Mary Gillette and Mike Reed agreed with rewording the Recreation Plan.

Written comments were received from William van Leeuwen and Cheryl Stanfield of 902 Lakeview Drive, expressing agreement with a proposed boat dock at the public beach, and opposing a public dock and/or boat launch at the 4th Avenue road end.

Trustee Caudill arrived at 7:20pm.

Motion by McCloud, support by Thomas to close the public hearing. Motion carried. Regular session reconvened at 7:25pm.

President Banks suggested changes to item number 1 under Objectives on page 35 of the Recreation Plan, striking the Fourth Avenue wording and adding item number 7 which proposes aesthetic improvements to 4th Avenue at the right-of-way road end at the lake.

Colleen Debler of 930 Emerald Circle and Kecia Dillon of 918 Emerald Circle inquired about aesthetic improvements that could be made to the property and asked if grass could be planted in the area. Discussion followed.

Motion by President Banks, support by Caudill to adopt Resolution 2011-6 and the Five Year Recreation Plan with amendments to page 35, striking the Fourth Avenue wording and adding item number 7 which proposes aesthetic improvements to 4th Avenue at the right-of-way road end at the lake. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Rudisill, Caudill, Banks; No: None. The resolution is as follows:

WHEREAS, the Lake Odessa Village Council has engaged the process to develop a new Five-Year Parks and Recreation Plan, which describes pertinent features, recreation facilities, policies and desired implementation to improve recreational offerings in the community during the period between 2011 and 2015; and

WHEREAS, the Village facilitated a public input session on Monday, January 31, 2011 prior to the development of the Plan, consisting of a community discussion meeting, enabling citizens and stakeholders to express opinions and needs, ask questions, offer advice, and discuss all aspects of parks and recreation; and

WHEREAS, the Village has prepared the Five-Year Parks and Recreation Plan for the benefit of the entire community and to meet the recreation needs of residents as expressed during the public input session; and

WHEREAS, a notice was published indicating that the Plan was published in three locations and offered for a DNR-approved specified time period for public comment and review; and

WHEREAS, a public hearing was held on the Five-Year Parks and Recreation Plan on today's date.

NOW, THEREFORE BE IT RESOLVED, that the Lake Odessa Village Council hereby adopts the Five-Year Parks and Recreation Plan as a guideline for improving recreation for the residents and visitors of the community.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Caudill to open a public hearing session regarding the APEC tax exemption certificate application. Motion carried. Public hearing opened at 7:38 p.m.

Bob Cobb of 923 Fifth Avenue expressed support for the proposed exemption and suggested that the governmental entities should work to retain existing businesses.

Representative Callton inquired about the exemption certificate. President Banks explained the process.

Motion by Jaquays, support by Thomas to close the public hearing. Motion carried. Regular session reconvened at 7:43pm.

Motion by Thomas, support by Jaquays to adopt Resolution 2011-2 approving the APEC, Inc. tax exemption certificate application. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Rudisill, Caudill, Banks; No: None. The resolution is as follows:

WHEREAS, pursuant to Michigan Public Act 198 of 1974, as amended, and after a duly noticed public hearing held on the 19th day of April, 2010, this Council by Resolution established Lake Odessa Industrial Development District No. 1; and

WHEREAS, on October 12, 2010, the Village Clerk received an application for an Industrial Facilities Exemption Certificate from Automated Process Equipment Corp. ("APEC"), for a new facility consisting of new machinery, equipment, and furniture and fixtures within Lake Odessa Industrial Development District No. 1; and

WHEREAS, the Village Clerk has notified the Assessor, applicant, and the legislative body of each taxing unit which levies ad valorem taxes on the property located within Lake Odessa Industrial Development District No. 1 that the application for an Industrial Facilities Exemption Certificate would be considered at a meeting of the Village Council on February 21, 2011 at 7:00 p.m. local time in the Council Chambers at the Page Memorial Building, Lake Odessa, Michigan, and that an opportunity to be heard would be provided to the Assessor, the applicant and to the representative of each of the bodies so notified; and

WHEREAS, during a regular meeting of the Village Council held on February 21, 2011, the applicant, the Assessor, a representative of the affected taxing units, and any taxpayer or resident of the Village of Lake Odessa were afforded an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That this Village Council finds:
 - a. That commencement of the restoration, replacement, or construction of the facility occurred not earlier than six months before the filing of the application for the Industrial Facilities Exemption Certificate.
 - b. That the application relates to a construction program, which when completed will constitute a new facility within the meaning of Michigan Public Act 198 of 1974, as amended, and will be situated in Lake Odessa Industrial Development District No. 1.
 - c. That the completion of the facility is calculated to and will at the time of issuance of the Certificate have the reasonable likelihood of retaining employment within the Village of Lake Odessa.
 - d. That the application received by the Village Clerk on October 12, 2010, applies to new machinery, equipment, and furniture and fixtures at a total project cost of \$268,186.
 - e. That the aggregate State Equalized Valuation of real and personal property exempt from ad valorem taxes within the Village of Lake Odessa, after granting of this Certificate, will not exceed five (5) percent of an amount equal to the sum of the State Equalized Valuation of the Village plus the State

Equalized Valuation of the personal and real property thus exempted. Therefore, it is not necessary for the Village Council to determine whether the granting of the exemption applied for will substantially impede the operation of the Village of Lake Odessa, or impair the financial soundness of a taxing unit which levies ad valorem property taxes in the Village of Lake Odessa.

2. That the Village President and Village Clerk are hereby authorized to execute the Tax Abatement Agreement between APEC and the Village of Lake Odessa, a copy of which is attached hereto as Exhibit A.
3. If the owner or lessee of a facility for which an industrial facilities exemption certificate is in effect relocates that facility outside of the industrial development district or plant rehabilitation district during the period in which the industrial facilities exemption certificate is in effect, the owner or lessee is liable to the local governmental unit from which it is leaving, upon relocating, for an amount equal to the difference between the industrial facilities tax to be paid by the owner or lessee of that facility for that facility for the tax years remaining under the industrial facilities exemption certificate that is in effect and the general ad valorem property tax that the owner or lessee would have paid if the owner or lessee of that facility did not have an industrial facilities exemption certificate in effect for those years. If the local governmental unit determines that it is in its best interest, the local governmental unit may forgive the liability of the owner or lessee under this subsection. The payment provided in this subsection shall be distributed in the same manner as the industrial facilities tax is distributed.
4. The application of APEC for an Industrial Facilities Exemption Certificate situated within Lake Odessa Industrial Development District No. 1, Village of Lake Odessa, County of Ionia, and State of Michigan, be and the same is hereby approved subject to the condition set forth in item number 3 above.
5. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of three (3) years.

RESOLUTION DECALRED ADOPTED.

Motion by Rudisill, support by Caudill to adopt Resolution 2011-3 approving Jordan Lake Avenue streetlight changes. Motion carried with the following roll call vote: Yes: Brighton, Rudisill, Caudill, McCloud, Jaquays, Thomas, Banks; No: None. The resolution is as follows:

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the Village of Lake Odessa, dated January 25, 2011, in accordance with the Authorization for Change in Standard Lighting Contract dated as of April 1, 1985, heretofore submitted to and considered by this Village Council; and

RESOLVED, further, that the Village Clerk be and is authorized to execute such authorization for change on behalf of the Village of Lake Odessa.

RESOLUTION DECLARED ADOPTED.

Motion by Thomas, support by Rudisill to open a public hearing session regarding Ordinance 2011-1 to establish a six-month medical marijuana moratorium. Motion carried. Public hearing opened at 7:48 p.m. There was no public comment. Motion by Jaquays, support by Thomas to close the public hearing. Motion carried. Regular session reconvened at 7:48pm.

Motion by McCloud, support Rudisill to adopt Ordinance 2011-1 to establish a six-month medical marijuana moratorium. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Banks, Rudisill, Caudill, Banks; No: None.

Motion by Caudill, support by Thomas to open a public hearing on the 2011/2012 fiscal year Village budget. Motion carried. Public hearing opened at 7:51 p.m. There was no public comment. Motion by Thomas, support by Caudill to close the public hearing. Motion carried. Regular session reconvened at 7:51pm.

Motion by McCloud, support by Thomas to approve the Lake Odessa Area Arts Commission 2011/2012 budget. Motion carried.

Motion by Caudill, support by Rudisill to approve the Lake Odessa Downtown Development Authority 2011/2012 budget. Motion carried.

Motion by Jaquays, support by Thomas to approve the Lake Odessa Fire Board 2011/2012 budget. Motion carried.

Motion by Caudill, support by Thomas to approve the Lake Odessa Car Show 2011/2012 budget. Motion carried.

Motion by McCloud, support by Thomas to approve Resolution 2011-4 establishing the 2011/2012 village budget. Motion carried with the following roll call vote: Yes: McCloud, Thomas, Brighton, Rudisill, Caudill, Banks; No: Jaquays. The resolution is as follows:

WHEREAS anticipated revenues for the Village of Lake Odessa (“the Village”) for the Fiscal Year 2011-12 will total \$2,489,905.09; and

WHEREAS a budget has been prepared for the expenditure, distribution and allocation of such revenues during Fiscal Year 2011-12 totaling \$2,489,905.09, as set forth in the attached Exhibit A; and

WHEREAS a public hearing with regard to said budget was duly noticed and held by the Lake Odessa Village Council (“Village Council”) on February 21, 2011, in accordance with Michigan statute, and opportunity was given to all present to comment upon the same; and

WHEREAS the Village Council is now satisfied that the Fiscal Year 2011-12 budget as originally proposed is reasonable and in the best interest of the government of the Village;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Village Council hereby adopts the aforementioned budget, subject to such changes as may subsequently be found to be necessary by the Village Council as a result of changes in anticipated receipts and/or unanticipated changes in expenditures which are either unavoidable or determined by the Village Council to be in the best interest of the Village, and which can be met out of surplus funds or a reallocation of budget expenditures.

BE IT FURTHER RESOLVED that it is the express intent of the Village Council that the aforementioned budget shall be adopted and managed by appropriation accounts.

RESOLUTION DECLARED ADOPTED.

Motion by Caudill, support by Thomas to approve Resolution 2011-5 General Appropriations Act. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Rudisill, Caudill, Banks; No: None. The resolution is as follows:

A resolution to establish a general appropriations act for the Village of Lake Odessa; to define the powers and duties of the officers of the Village of Lake Odessa in relation to the administration of the budget; and to provide remedies for refusal or neglect to comply with the requirements of this resolution.

The Lake Odessa Village Council resolves:

Section 1: Title

This resolution shall be known as the Village of Lake Odessa General Appropriations Act.

Section 2: Chief Administrative Officer

The Lake Odessa Village Manager shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act.

Section 3: Fiscal Officer

The Lake Odessa Finance Director shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

Section 4: Public Hearing on the Budget

Pursuant to MCL 141.412, notice of public hearing on the proposed Fiscal Year 2011-12 budget for the Village of Lake Odessa was published in a newspaper of general circulation, and a public hearing on said proposed budget was held by the Lake Odessa Village Council on February 21, 2011.

Section 5: Estimated Revenues

Estimated Village revenues for Fiscal Year 2011-12, including a general operating millage of 10.90270, a street repair millage of 4.88620, and various miscellaneous revenues shall total \$2,489,905.09.

Section 6: Millage Levy

The Lake Odessa Village Council shall cause to be levied and collected the general property tax on all real and personal property within the Village upon the current tax roll an amount equal to 15.78890 mills, including a general operating millage of 10.90270 and a street repair millage of 4.88620.

Section 7: Estimated Expenditures

Estimated general fund expenditures for Fiscal Year 2011-12 for the various activities of the Village shall total \$2,489,905.09.

Section 8: Adoption of Budget by Reference

The Fiscal Year 2011-12 general fund budget of the Village is hereby adopted by reference, with revenues and expenditures as indicated in Sections 5 and 7 above.

Section 9: Adoption of Budget by Account

The Lake Odessa Village Council adopts the Fiscal Year 2011-12 budget by appropriation account. The Village officials responsible for expenditures authorized in the budget may expend Village funds up to, but not to exceed, the total appropriation authorized for each appropriation account, and may make transfers among the various line items contained therein. However, no transfers of appropriations for line items related to wages or salaries may be made without Village Council approval by budget amendment.

Section 10: Appropriation not a Mandate to Spend

Appropriations will be deemed maximum authorizations to incur expenditures. The Fiscal Officer shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any order for expenditures that exceed appropriations.

Section 11: Transfers

Transfers of any unencumbered balance, or any portion, in any appropriation account to any other appropriation account may not be made without amendment of this resolution; except that the Chief Administrative Officer may transfer to the Local Street Fund an amount not to exceed 25% of the total appropriation authorized in the Major Street Fund, in accordance with the laws of the State of Michigan. The Village Council shall be notified at its next meeting of any such transfer made, and reserves the right to modify, amend or nullify any such transfer. Under no circumstances may the total general fund budget be changed without prior approval of the Village Council.

Section 12: Periodic Fiscal Reports

The Fiscal Officer shall make available to the Village Council at the end of each month a report of financial operations, including, but not limited to:

- a. a summary statement of the actual financial condition of the general fund at the end of the previous month;
- b. a summary statement showing the receipts and expenditures for the previous month and for the current fiscal year to the end of the previous month.

Section 13: Limit on Obligations and Payments

No obligation shall be incurred against and no payment shall be made from any appropriation account unless there is a sufficient balance in the account and sufficient funds are or will be available to meet the obligation.

Section 14: Budget Monitoring

Whenever it appears to the Chief Administrative Officer or the Village Council that the actual and probable revenues in any account will be less than the estimated revenues upon which appropriations from such account were based, and when it appears that expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the Village Council recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues or both.

Section 15: Violations of this Act

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in 1978 PA 621.

RESOLUTION DECLARED ADOPTED.

Motion by Caudill, support by Brighton to adopt the 2011-2016 Capital Improvement Plan. Motion carried.

Motion by Caudill, support by McCloud to authorize Manager Bender to sign a 3-year engagement with Walker, Fluke and Sheldon for auditing services for fiscal years ending 2011, 2012 and 2013, at an annual cost not to exceed \$9,500, 9,750 and \$9,950 respectively for the audit, \$1,500, \$1,600 and \$1,700 respectively for the single audit, and \$550 for preparation of State of Michigan Form F-65 and Act 51 financial information. Discussion followed. Motion carried.

Motion by Caudill, support by Brighton to advertise the sale of the Clark Street properties as a package with the right to reject any and all bids. Motion carried.

Motion by Thomas, support by Caudill to ratify the following Library Board appointments made by President Banks: Joel Pepper with a term to expire 12/31/11 and Clarence Battice with a term to expire 12/31/13. Motion carried.

Motion by Caudill, support by Thomas to make budget amendments. Motion carried. The budget amendments are as follows:

General Fund

Police

301-711	Employer's Share of Pension	+\$3,200.00
	Education and Training	-\$1,700.00
970-001	Equipment	-\$1,500.00

DPW

441-712	Health Insurance Expense	+\$400.00
441-721	Life Insurance Expense	+\$200.00
441-820	Fleet Insurance	-\$600.00

Water

701-101	Full Time Wages	+\$13,500.00
591-705	Sick Time Payouts	+\$300.00
591-705	Health Insurance	+\$6,700.00
	Well Repairs	-\$10,000.00
591-101	Computers Hardware	-\$5,000.00
591-102	Computers Software	-\$2,500.00
591-985	Equipment	-\$1,500.00
591-801	Professional/Contract Services	-\$1,500.00

TRUSTEE COMMENTS

McCloud thanked everyone for showing up.

Jaquays had no comment.

Thomas was glad for the meeting.

Brighton had no comment.

Rudisill thanked Representative Callton for attending the meeting.

Caudill commended Finance Director Marrie-Jo Wierckz, Manager Bender and Treasurer Goodemoot for the budget preparation.

Motion by Rudisill, support by Jaquays to schedule a mid-year budget workshop for September 22, 2011 at 6:30pm.

President Banks commended Finance Director Marrie-Jo Wierckz, Manager Bender and Treasurer Goodemoot for the budget preparations and inquired about the status of employee job descriptions.

Bender reported that there was no update yet.

PUBLIC COMMENT

There was no public comment.

Without objection, President Banks called the meeting adjourned at 8:25pm.

Respectfully submitted,

Pearl Goodemoot
Clerk / Treasurer