

VILLAGE OF LAKE ODESSA

MINUTES
REGULAR COUNCIL MEETING
May 15, 2017
PAGE MEMORIAL BUILDING

Meeting called to order at 7:00pm by President Banks.

Pledge of Allegiance.

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

Absent: None

Staff present: Mark Bender, Pearl Goodemoot, Brenton Listerman

Visitors present: Bonnie Mattson of J-Ad Graphics

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

PUBLIC COMMENT

There was no public comment on agenda items.

MINUTES

Motion by McCloud, support by Thomas to approve minutes of the April 17, 2017, regular meeting. Motion carried.

Motion by McCloud, support by Jaquays to approve minutes of the April 24, 2017, special meeting. Motion carried.

BILLS

Motion by McCloud, support by Walkington to approve expenditures equal to or less than \$3,000.00 for the period 4/1/2017 thru 4/30/2017. Motion carried.

Motion by Jaquays, support by Banks to approve payment of invoices in excess of \$3,000.00 items as follows:

- a) Franklin Holwerda Company - \$24,210.00 – 2016 Cap. Imp. Proj. (*paid*)
- b) US Bank - \$57,650.00 – 2009 Bond Payment (*paid*)
- c) Mercantile Bank - \$88,910.00 – 2006 Bond Payments (*paid*)
- d) Automatic Door Service - \$3,390.00 – Handicap Access Page Bldg.
- e) Fishbeck, Thompson, Carr & Huber - \$14,296.77 - 2016 Cap. Imp. Proj.
- f) DJ McQuestion - \$137,623.45 - 2016 Cap. Imp. Proj.
- g) Fishbeck, Thompson, Carr & Huber - \$4,032.50 – MEDC ICE Grant

Motion carried.

CONSENT AGENDA

Motion by Rudisill, support by Walkington to approve the consent agenda, as follows:

- a) Zoning Administrator Report for April 2017
- b) Arts Commission regular meeting minutes for March 13, 2017
- c) Planning Commission special meeting minutes for November 1, 2016
- d) Lake Odessa Library meeting minutes for March 22, 2017
- e) Arts Commission regular meeting minutes for April 10, 2017

Motion carried.

MANAGER'S REPORT

DPW Report: Bender reported that DPW Supervisor, Jesse Trout, is doing a fantastic job with the department.

Police Report: Bender reported that the Police Department has been unusually busy.

Finance Report: There was no report.

COMMITTEE REPORTS:

Personnel/Finance Committee: There was no update.

Recreation/Special Projects Committee: There was no update.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Motion by McCloud, support by Thomas to adopt Ordinance 2017-1 Adding Hotels, Motels, Lodges and Inns as Use by Right in the Central Business District. Motion carried with the following roll call vote: Yes: McCloud, Thomas, Brighton, Rudisill, Walkington, Banks; No: Jaquays; Absent: None.

Motion by McCloud, support by Thomas to adopt Resolution 2017-19 Zoning Fees. Motion carried with the following roll call vote: Yes: Thomas, Jaquays, Thomas, Brighton, Rudisill, Walkington, Banks; No: None; Absent: None. The resolution is as follows:

WHEREAS, in accordance with Ordinance Sec. 136-36, upon the filing of an application for a zoning permit, special use permit, rezone request, board of appeals review or variance, etc., an administrative fee shall accompany said application; and

WHEREAS, the Village Council shall determine and set a schedule of fees to be charged; and

WHEREAS, fees shall be collected prior to the processing of any requested permit, variance, appeals, rezoning, etc.

NOW, THEREFORE, BE IT RESOLVED that the following schedule of fees is hereby established:

Planning & Zoning Fee Schedule	
Adopted by the Lake Odessa Village Council on May 15, 2017	
Zoning Administrator:	
Zoning Permit	\$ 25
Site Plan Review	\$100
Planning Commission:	
Site Plan Review	\$100
Special Land Use Permit	\$150
Text Amendment	\$250
Planned Unit Development	\$350
Rezone Application	\$400
Zoning Board of Appeals:	
Variance Request	\$200
Appeal	\$200
Interpretation	\$150
Miscellaneous:	
Subdivision Plats	\$150
Land Division/Split	\$ 50
Document Prints:	
Master Plan	\$ 30
Zoning Ordinance	\$ 30
Zoning Map	At Cost

BE IT FURTHER RESOLVED that the Schedule of Fees shall be posted at the Village offices, and may be altered or amended only by the Village Council.

BE IT FURTHER RESOLVED that any prior resolution(s) establishing a schedule of fees for planning and zoning are hereby rescinded.

BE IT FURTHER RESOLVED that this Resolution 2017-19 shall take immediate effect.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Jaquays to adopt Resolution 2017-20 Section 3 Policy. Motion carried with the following roll call vote: Yes: Thomas, Jaquays, Thomas, Brighton, Rudisill, Walkington, Banks; No: None; Absent: None. The resolution is as follows:

The Village of Lake Odessa (here after “Village”) shall provide opportunities to low- and very low-income persons residing in Village (as defined in § 135.5 of 24 CFR Part 135) and to businesses meeting the definition of "Section 3 Business Concern" (as defined by 24 CFR Part 135). Accordingly, The Village shall implement policies and procedures to ensure that Section 3, when required, is followed and develop programs and procedures necessary to implement this policy covering all procurement contracts where labor and/or professional services are provided. This policy shall not apply to contractors who only furnish materials or supplies through Section 3 covered assistance. It will apply to contractors who install materials or equipment. (See the definition of “Section 3 Covered Contracts” below.) There is nothing in policy that should be construed to require the employment or contracting of a Section 3 resident or contractor who does not meet the qualifications of the position to be filled or who cannot fulfill the contract requirements.

Definitions:

The Village incorporates into this policy the definitions contained in § 135.5 of 24 CFR Part 135.

Defined Terms of Policy:

- **Section 3** – Section 3 is a provision of the Housing and Urban Development Act of 1968, which recognizes that HUD funds are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance. Section 3 is intended to ensure that when employment or contracting opportunities are generated because a covered project or activity necessitates the employment of additional persons or the awarding of contracts for work, preference must be given to low- and very low-income persons or businesses residing in the community where the project is located.
- **Section 3 Recipient** – means any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferees of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.
- **Section 3 Resident** – A section 3 resident is 1) a public housing resident; or 2) a low- or very low-income person residing in the metropolitan area or Non-metropolitan County in which the Section 3 covered assistance is expended.
- **Section 3 Business** – Section 3 Businesses provide evidence that they meet one of the following:
 - a) 51% or more is owned by Section 3 residents; or
 - b) at least 30% of its full time employees include persons that are currently Section 3 residents, or (within three years of the date of first employment with the business) were Section 3 residents; or
 - c) provides evidence, as required, of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to a business or businesses that meet the qualifications for Section 3 Residents or Businesses.
- **Section 3 Covered Assistance** –
 - (a) Public and Indian housing development, operating or capital funds; or other housing assistance and community development assistance expended for housing rehabilitation, housing construction or other public construction projects, such as: CDBG, HOME, 202/811, Lead-

Based Paint Abatement, etc.

- (b) The following definition for Section 3 Covered Assistance from 24 CFR 135.5:
- (1) Public and Indian housing development assistance provided pursuant to section 5 of the 1937 Act;
 - (2) Public and Indian housing operating assistance provided pursuant to section 9 of the 1937 Act;
 - (3) Public and Indian housing modernization assistance provided pursuant to section 14 of the 1937 Act;
 - (4) Assistance provided under any HUD housing or community development program that is expended for work arising in connection with:
 - (i) Housing rehabilitation including abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacement
 - (ii) Housing construction; or
 - (iii) (Other public construction project (including other buildings or improvements, regardless of ownership).
- **Section 3 Covered Contract** – means a contract or subcontract (including a professional service contract) awarded by a recipient or contractor hired by the recipient for work generated by the expenditure of Section 3 Covered Assistance, or for work arising in connection with a Section 3 Covered Project. “Section 3 Covered Contracts” do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 Covered Contract. For example, a contract for the purchase and installation of a furnace would be a Section 3 Covered Contract because the contract is for work (i.e., the installation of the furnace) and thus is covered by Section 3.
 - **Section 3 Covered Project** – A section 3 covered project involves the construction or rehabilitation of housing (including reduction of lead-based paint hazards), or other public construction such as street repair, sewage line repair or installation, updates to building facades, etc.
 - **Section 3 Covered Community Planning and Development Funding** – Community Development Block Grants (CDBG), Home Investment Partnership Assistance (HOME), Emergency Shelter Grants (ESG), Neighborhood Stabilization Programs (NSP), and certain grants awarded under HUD Notices of Funding Availability (NOFAs). The requirements for Section 3 only apply to the portion(s) of covered funding that were used for project/activities involving housing construction, rehabilitation, demolition, or other public construction.

Responsibilities:

1. The Village, when receiving community development or housing assistance covered by Section 3, has the responsibility to comply with Section 3 in its own operations. This responsibility includes:
 - a. Notifying Section 3 residents and businesses about jobs and contracts generated by Section 3 covered assistance so that residents may seek jobs and businesses may submit bids/proposals for available contracts;
 - b. Notifying potential contractors of the objectives of Section 3 and ways in which each contractor can assist the sub-recipient to meet its goal;
 - c. Facilitating the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns; and
 - d. Documenting the action that the sub-recipient takes to comply with the Section 3 requirements, the results of the actions, and impediments, if any.

2. The Village has a responsibility to “ensure compliance” of their contractors and subcontractors. This means that a sub-recipient must:
 - a. Notify contractors of their responsibilities under Section 3 including, but not limited to, incorporating the Section 3 Clause in contract documents.
 - b. Refrain from entering into contracts with contractors that are in violation of the regulations in 24 CFR Part 135.
 - c. Respond to complaints made to the recipient by Section 3 residents or businesses that the sub-recipient, a contractor or subcontractor, is not in compliance with 24 CFR Part 135.
 - d. Cooperate with HUD in obtaining the compliance of contractors and subcontractors when allegations are made that the sub-recipient’s contractors and subcontractors are not in compliance with the regulation of 24 CFR Part 135.

Goals:

All contractors undertaking Section 3 covered projects and activities are expected to meet the Section 3 requirements. To demonstrate compliance with the "greatest extent feasible" requirement of Section 3, contractors must meet the following goals: to provide training, employment, and contracting opportunities to Section 3 residents and Section 3 businesses. To meet the goals, contractors must select Section 3 residents based on priorities pursuant to § 135.34, 24 CFR Part 135:

RESOLUTION DECLARED ADOPTED.

Motion by Jaquays, support by Rudisill to adopt Resolution 2017-21 Municipal Beach and Marina Rules. Motion carried with the following roll call vote: Yes: Thomas, Jaquays, Thomas, Brighton, Rudisill, Walkington, Banks; No: None; Absent: None. The resolution is as follows:

WHEREAS, Section 20-4 of the Code of Ordinances, Village of Lake Odessa, Michigan, provides that the Village Council may, by resolution, prescribe rules and regulations relating to the conduct and use of parks, public grounds and recreation areas, including, but not limited to, the Lake Odessa Municipal Beach; and

WHEREAS, Section 20-23(b) of the Code of Ordinances, Village of Lake Odessa, Michigan, provides that permanent rules and regulations shall be issued by the village council with regard to the Lake Odessa Municipal Marina.

NOW, THEREFORE, BE IT RESOLVED that the following rules and regulations are hereby adopted. These rules shall be a supplement to all village ordinances and/or state statutes relating to the conduct and use of the Lake Odessa Municipal Beach and Municipal Marina.

1. *Municipal Marina Hours.* The Municipal Marina shall be open to the public during the hours between 6:00 a.m. and 10:00 p.m. every day, including holidays. The Municipal Marina, including all improvements thereon, shall be closed between the hours of 10:00 p.m. to 6:00 a.m. No person shall enter the marina or improvements located thereon between the hours of 10:00 p.m. and 6:00 a.m., unless the person is participating in viewing a village-sponsored activity or function, or the person has been granted permission in writing by the village manager or his designee to be present at a specific time other than that set forth in these rules.
2. Bicycles, skateboards, roller skates and rollerblades are prohibited on sidewalks and docks.
3. Running and horseplay are prohibited on Municipal Marina docks.
4. Smoking and the use of tobacco products is permitted only in designated areas. Cigarette butts, smoking materials and tobacco products must be deposited in designated waste receptacles.
5. Directions and orders from lifeguards, Lake Odessa police officers, the Marina Director and/or the Village Manager shall be obeyed at all times.
6. Children age 12 and under shall be supervised at all times by a parent or guardian, even if/when lifeguards are on duty.

7. Glass bottles and containers are prohibited within the Municipal Marina and the sandy beach area of the Municipal Beach.
8. Dogs are prohibited in the sandy beach area and the Enclosed Swim Area.
9. *Beach wheelchairs.*
 - a. Beach wheelchairs are available at no cost on a first-come, first serve basis for an hour at a time.
 - b. Chairs may be signed out from a beach lifeguard, a concession stand attendant, or a Lake Odessa police officer, as staff is available.
 - c. Photo identification must be presented to leave with Village officials while the chair is in use.
 - d. Visitors will be responsible for checking back in after the hour is up to see if anyone else wishes to use the chair. If no one is waiting, the chair may be used for another hour. When finished with the chair, contact should be made with the nearest lifeguard, concession worker or the Lake Odessa Police Department.
10. *Fishing.*
 - a. There shall be no fishing within the marina except from the designated fishing station (*see Figure 1*).
 - b. Fish cleaning is prohibited within all areas of the marina and beach.
11. *Swimming and diving.*
 - a. There shall be no swimming in the marina except within the Enclosed Swim Area (*see Figure 1*).
 - b. Diving is prohibited within all areas of the marina.
 - c. Swimming underneath the marina docks and catwalks is prohibited.
12. *Boats; boat docking.*
 - a. Motorized watercraft may dock only at allotted dock spaces between the hours of 6:00 a.m. and 10:00 p.m. (*see Figure 1*), and for no longer than two hours.
 - b. Motorized watercraft are prohibited within designated swim areas and that portion of the marina west and north of the fishing station.
 - c. Only small non-motorized watercraft may be launched from the canoe/kayak launch.
13. *Violations and penalties.* A person who violates or fails to comply with any of these rules may be subject to any one or more of the following:
 - a. Being asked to stop the violation;
 - b. Being asked to leave the premises; or
 - c. Being barred from the premises for such period of time as shall be determined by the Marina Director.

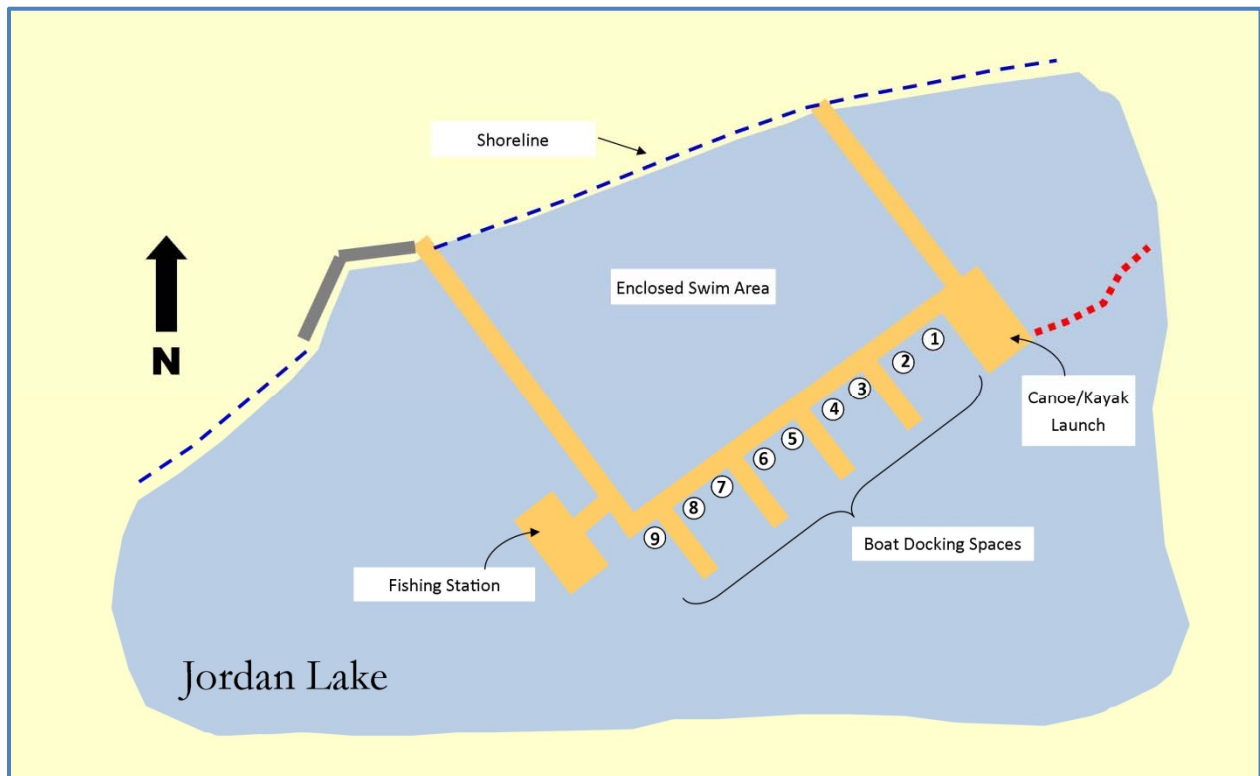


Figure 1 - Municipal Marina

BE IT FURTHER RESOLVED that the foregoing Resolution 2017-21 shall supersede and replace all existing resolutions establishing supplemental rules and regulations relating to the conduct and use of the Lake Odessa municipal beach and marina.

BE IT FURTHER RESOLVED that this Resolution 2017-21 shall take immediate effect.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Jaquays to ratify President Banks' appointments of Jesse Trout to the Tree Board and Brenton Listerman as Marina Director. Motion carried.

MISCELLANEOUS CORRESPONDENCE

WOW rate change correspondence was received.

ICEA correspondence was received showing the re-appointment of Bender to the board.

IUOE Local 324 dissolution notification was received.

TRUSTEE COMMENTS

Brighton had no comment.

Rudisill stated he was happy to be back.

Walkington had no comment.

McCloud wished everyone a safe holiday.

Jaquays asked everyone to be safe.

Thomas wished everyone a nice month.

Banks had no comment.

PUBLIC COMMENT

There was no public comment.

Bender reported that plans for the police garage were available if anyone would like to review them.

Motion by Walkington, support by Banks to adjourn the meeting at 7:27pm.

Respectfully submitted,

Pearl Goodemoot
Village Clerk / Treasurer