

VILLAGE OF LAKE ODESSA
REGULAR COUNCIL MEETING
August 15, 2011
PAGE MEMORIAL BUILDING

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

Pledge of Allegiance.

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

Absent: None

Staff present: Pearl Goodemoot, Mark Bender, Tom Pollock

Public present: Shari Carney of J-Ad Graphics, Thelma Curtis of 610 First Street, Kurt Murray of 1012 Fifth Avenue, Robert Young of 932 Third Ave.

Motion by McCloud, support by Thomas to approve the agenda, removing the appointment of the DDA member and the Fire Department budget amendment. Motion carried.

PUBLIC COMMENT

There was no public comment.

MINUTES

Motion by McCloud, support by Caudill to amend the regular meeting minutes for June 20, 2011 to add the following: "Motion by Thomas, support by Jaquays to approve the revised agenda as presented. McCloud asked for the Farmers Market to be added to new business. Motion carried." Motion carried.

Motion by McCloud, support by Jaquays to approve the regular meeting minutes for July 18, 2011. Motion carried.

BILLS

Motion by Caudill, support by Jaquays to approve all expenditures for the period 07/01/11 thru 07/31/11. Motion carried.

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

\$2,399.85 to Consumer's Energy, \$2,357.67 to Fuelman, \$2,378.00 to Tri-County Homeworks; \$1,841.38 to United Systems & Software, \$2,200.00 to Miller, Johnson, Snell & Cumiskey, PLC, \$2,500.00 to Dixon Engineering. Motion carried.

CONSENT AGENDA

Motion by McCloud, support by Jaquays to approve the consent agenda, as follows: July 2011 Zoning Administrator Report, Lake Odessa Community Library June 2011 meeting minutes and financial statements, Planning Commission meeting minutes for May 2, 2011, Lake Odessa Fire Board meeting minutes for May 9, 2011, Lake Odessa Car Show financial statements. Motion carried.

MANAGER'S REPORT

Police Report: Bender reported that everything was routine.

DPW Report: Bender stated Pollock will report on street repairs.

Finance Report: Bender reported that the village is waiting to hear from the auditor.

Manager's Report: Bender reported that he has been asked to make a presentation to the DNR on the boat dock grant application on Wednesday, August 17 at 9:00am.

COMMITTEE REPORTS:

Personnel/Finance Committee: No Report.

Recreation/Special Projects Committee: No report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Motion by Caudill, support by Rudisill to adopt Resolution #2011-14 to extend the Medical Marihuana Moratorium. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Brighton, Rudisill, Caudill, Banks; No: Thomas; Absent: None. The resolution is as follows:

WHEREAS, the dispensing of medical marihuana was not envisioned when the current Zoning Ordinance was adopted in 1993 and is not locally regulated in any way; and

WHEREAS, recognizing that the dispensation of medical marihuana prior to the amendment of the Zoning Ordinance would be contrary to the goals of the Ordinance and the Village Master Plan, on February 21, 2011, the Village Council imposed a 180-day moratorium on the issuance of any zoning, building or other licenses, permits or other approvals for the dispensing of marihuana; and

WHEREAS, the Village wishes to: (i) provide qualifying patients access to medical marihuana, (ii) ensure the safety of qualifying patients, primary caregivers, and the general public, (iii) minimize adverse effects, if any, from the dispensing of medical marihuana, and (iv) comply with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, all in order to protect and enhance the public health, safety, and welfare; and

WHEREAS, Village staff and the Planning Commission are working diligently toward completing a draft Zoning Ordinance amendment and anticipate that the draft will be ready for presentation to the Village Council within the next 180 days; and

WHEREAS, the Village Council determines that it is desirable to extend the moratorium prohibiting the dispensing of medical marihuana to provide staff and the Planning Commission with further time to amend the Zoning Ordinance and to establish an appropriate approval process.

Now, therefore, the Village Council resolves as follows:

1. For the reasons stated above, the Village Council hereby extends the moratorium on the issuance of any zoning, building or other licenses, permits, or other approvals to any person, entity or premises, for the sale or dispensing of medical marihuana for 180 days, or until any needed or desirable amendment(s) to the Village Zoning Ordinance and other applicable Village ordinances are adopted to provide for such land uses in a manner consistent with the Ordinance, the Village Master Plan and in the best interests of the public health, safety and general welfare.
2. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

RESOLUTION DECLARED ADOPTED.

Motion by Caudill, support by Jaquays to adopt Resolution #2011-15 sanctioning the Fall Festival. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Rudisill, Caudill, Banks; No: None; Absent: None. The resolution is as follows:

WHEREAS, the Lake Odessa Downtown Development Authority ("DDA") in March of 2011 began planning an event known as the "Lake Odessa Fall Festival," the goals of which are to: 1) serve as a community-wide event for families and individuals of all ages; and 2) promote Lake Odessa as a destination for visitors within and outside of the greater Lake Odessa geographic area; and

WHEREAS, the 2011 "Lake Odessa Fall Festival" is scheduled to be held at various locations throughout the Village on Saturday, October 15, 2011; and

WHEREAS, the Lake Odessa DDA desires to encourage participation in the "Lake Odessa Fall Festival" by local businesses and area non-profit organizations which will provide recreational activities and/or sell or advertise for sale merchandise, foodstuffs or services, from temporary or portable structures situated in or upon streets or sidewalks or other public places within the village during said event; and

WHEREAS, pursuant to Chapter 21 of the Code of Ordinances, Village of Lake Odessa, the sale of items, goods, wares, services, merchandise, food or produce in or upon public lands is prohibited unless done so in conjunction

with and at the invitation of the organizers of any fair, festival, community event or farmers' market which has been sanctioned and approved by the village; and

WHEREAS, it is the opinion of the Village Council that the "Lake Odessa Fall Festival" event will be a desirable community event which will benefit Lake Odessa's citizens and local businesses and non-profit organizations.

NOW, THEREFORE, BE IT RESOLVED that the "Lake Odessa Fall Festival" be and is hereby sanctioned and approved as a community event, said event to be conducted once annually within the Village of Lake Odessa during the fall season.

RESOLUTION DECLARED ADOPTED.

President Banks opened the sealed bids received for the 2003 Crown Victoria. Martha Willette submitted a bid for \$1,100.00. Chicago Motors submitted a bid for \$807.00. Ryne Wilson submitted a bid for \$2,501.00. Yousef Dabbagh submitted a bid for \$1,008.00. Albert Kienutske submitted a bid for \$1,153.00. Motion by Jaquays, support by Caudill to award the 2003 Crown Victoria to the highest bidder Ryne Wilson in the amount of \$2,501.00. Motion carried.

There were no bids received for the 1980 Ford Dump Box Truck.

Pollock explained Snyder Asphalt's withdrawal from the chip seal agreement. Motion by Caudill, support by Jaquays to set aside the previous vote awarding Snyder Asphalt to chip seal in the amount of \$7,566.30. Motion carried.

Caudill inquired about the legalities of the agreement.

Motion by McCloud, support by Caudill to approve the invoice from GT Contracting Incorporated for crack seal in the amount of \$6,000.00. Motion carried.

Motion by McCloud, support by Brighton to renew the Broadstripe franchise agreement for the period of ten years and a franchise fee of 3%. Council discussed the franchise fee. Motion carried.

Motion by Caudill, support by Brighton to authorize President Banks to sign the Broadstripe franchise agreement. Motion carried.

Motion by Caudill, support by Brighton to appoint President Banks as the Village of Lake Odessa MML Annual Meeting Representative and Village Manager Mark Bender as an alternate. Motion carried.

MISCELLANEOUS CORRESPONDENCE

A DDA resignation letter was received from Jennifer Neeb. Banks expressed appreciation to Neeb for her service.

TRUSTEE COMMENTS

Brighton had no comment.

Rudisill had no comment.

Caudill had no comment.

McCloud thanked those who helped with the Car Show.

Jaquays thanked those who helped with the Car Show.

Thomas had no comment.

Banks had no comment.

PUBLIC COMMENT

Thelma Curtis of 610 First Street said the curb in front of Koops Funeral Home looks good. Curtis also stated that people were asking her why the street striping was done prior to the tar being laid and stated that 2nd Street looked good.

Kurt Murray of 1012 Fifth Avenue stated that the concert series was completed but not being able to drive in the park is still an issue. Murray also inquired about the person responsible for contacting the police regarding their last concert that had Bader equipment in the park.

The meeting was adjourned at 7:38pm.

Respectfully submitted,

Pearl Goodemoot
Clerk / Treasurer