

**Minutes, Paw Paw Village Council
Regular Meeting, June 25, 2007**

1. The regular Village Council meeting of Monday, June 25, 2007, convened at 7:29 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. President Plaszczak presiding. **Meeting Convened**

2. Present: Plaszczak, Richardson, Basinger, Rohr, McIntosh and Wilhelmi, Larcinese. Also present: Village Clerk Christopher Tapper, Department of Public Services Director John Small, Interim Village Manager Patrick Alspaugh and Attorney Page. **Members Present**

3. Also in attendance: Patrick and Mindy Brennan, Jeffery Williams, Kelly Hahn, Loren Turner, Tom Fette, Damon Garrett, Steve Achram, Ryan McNally, Drew Sorenson and Attorney Tom King.

4. Motion by Basinger, supported by Rohr, to approve the corrected June 11, 2007 minutes of the regular meeting. All members voting yes, motion carried. **Approved Minutes**

5. Motion by McIntosh, supported by Rohr, to approve the corrected June 14, 2007 minutes of the special meeting. All members voting yes, Richardson abstaining, motion carried.

6. Motion by Rohr, supported by McIntosh, to approve accounts payable for \$286,776.45 as presented. All members voting yes, motion carried. **Accounts Payable**

7. Patrick Brennan gave a presentation in regards to 609 Michigan Avenue the old St. Marks Church. Brennan stated that he had an approved special use permit for that location. With Councils permission Brennan wanted to use the building during Paw Paw Days for a Farmers Market. Brennan made references to surrounding areas that had Farmers Market and the successes they had. It was the consensus of the Council to allow Brennan the opportunity to move forward with the project. Plaszczak recommended that Brennan meet with Small and Alspaugh in regards to the project. **Public Comment**

8. Jeffery Williams commented on above ground pools. Williams lives at 307 Water Street and remarked about how many pools were being used in front yards. Williams told the Council that when he put his pool in years ago he needed to use the back yard of his residents and the pool needed to be fenced in. Williams is worried

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about unsupervised children drowning in these pools. Council thanked Williams for bring this matter to the Councils attention. Council referred Williams to Chief of Police Alspaugh for more comment.

9. Kelly Hahn from Rural Water made an updated presentation of ordinance number 408 to provide for the regulated protection of groundwater resources. Hahn commented that MDEQ was looking forward to working with the Village of Paw Paw to finalizing the proposed ordinance. Larcinese commented on the size of potentially hazardous storage containers, that are allowed and who would be responsible for the enforcement. Wilhelmi also commented on the different size containers and putting the proposed ordinance as part of the site plan review approval. Plaszczak reported to Council that he will work on this ordinance with Small and that a conclusion would be forthcoming.

**Old Business
Ordinance No. 408**

10. Motion by Larcinese, supported by McIntosh to enter into Closed Session at 7:59 p.m. to discuss collective bargaining agreement.
Roll Call Vote:
Yeas: Rohr, Wilhelmi, McIntosh, Basinger, Plaszczak, Richardson and Larcinese.
Nays: None
Motion carried.

Closed Session

11. Motion by Basinger, supported by Larcinese to reopen session at 8:29 p.m.
Roll Call Vote:
Yeas: Plaszczak, Richardson, Larcinese, Rohr, Wilhelmi, McIntosh and Basinger.
Nays: None
Motion carried.

Reopen Session

12. Larcinese introduced the Wal-Mart site plan committee (Garrett, Achram, McNally, Sorenson, and King). Garrett gave the Council a presentation on various approvals that Wal-Mart had gone through during the past year. Garrett commented that he was thankful the Planning Commission held a special meeting June 13, 2007 to approve the final site plan. Larcinese commented to Council that Atwell-Hicks gave good reasons for the variance to allow the extra parking on the proposed Wal-Mart site plan and the Planning Commission is recommending Council approval.

**New Business
Wal-Mart**

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13. Motion by Rohr, supported by Larcinese, to approve the request for a variance to allow Wal-Mart Store #4439 to have approximately 200 more parking spaces than is currently allowed under the existing Ordinance in accordance with Ordinance #409. All members voting yes, motion carried.

**Wal-Mart Parking
Variance**

14. Larcinese reported to Council that the Planning Commission recommends the approval of Wal-Mart Site Plan with ~~six~~ **correcting 7/9/07** seven contingencies. King questioned contingency number six. King stated that legal language needed to be added to number six for Wal-Mart to agree with the contingency. Page remarked that language could be worked out with number six and with Council approval he would move forward on making those changes with King. Council recommended that King work with Page, Small and Plaszczak on those language changes.

**Wal-Mart Site Plan
Review**

15. Richardson commented on contingency number seven. After talking with Paul South from MDOT, Richardson felt that by the development of the Wal-Mart Site, MDOT would approve the sidewalks in the area of MDOT car pool parking. Richardson also commented that with the development of the Wal-Mart Site, MDOT would move forward on construction of a new bridge over I-94 with sidewalks. McIntosh agreed with Richardson about development of sidewalks. McIntosh stated that Wal-Mart would need to construct sidewalks along M-40 and along private drive to Wal-Mart store. Larcinese suggested that the Council adopted what the Planning Commission recommended. Larcinese commented that he would be worried about the safety of residents if sidewalks were constructed on M-40. Garrett commented that Wal-Mart did not have a problem with the sidewalks, but wanted the necessary overseeing agencies to approve the construction. Garrett was also worried about the recommendation of DEQ and the sidewalks near the wetlands. King also commented on dangers that could arrive if sidewalks were constructed to no where.

16. Motion by McIntosh, Supported by Rohr, to approve the Wal-Mart # 4439 Site Plan with the **Owner/Applicant/Developer/** required to do the following contingencies:

**Wal-Mart #4439
Site Plan Approval**

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- 1) *Wal-Mart obtain approval from the Michigan Department of Transportation (MDOT) for a break in limited access and a permit for any M-40 road improvements required by MDOT prior to receiving a building permit from the Village.*
- 2) *Wal-Mart obtain a NPDES permit, sanitary sewer permits, water supply permit and final joint permit (wetlands) to the extent that those permits are required by the Michigan Department of Environmental Quality (MDEQ) prior to receiving a building permit from the Village.*
- 3) *Wal-Mart obtain final approval for the abandonment of South La Grave Street and a driveway permit from the Van Buren County Road Commission prior to receiving a building permit from the Village.*
- 4) *Wal-Mart obtain drain approval and a soil erosion permit from the Van Buren County Drain Commissioner, to the extent required by the Drain Commissioner, prior to receiving a building permit from the Village.*
- 5) *Applicant to comply with all Federal, State & Local laws, ordinances and regulations including those pertaining to wetlands and obtaining any necessary permits.*
- 6) *Subject to Village of Paw Paw's legal council opinion and approval of the language by Wal-Mart. Village of Paw Paw Department of Public Services, Director or his or her designee to be able to require and approve any and all public utilities easements on and across the property as he or his or her designee deem necessary for sewer including but not limited to sanitary sewer or storm drains, water, electricity, water pump, well, water tower and their accruements and any other necessary public utility easements for the benefit of this property and any other properties within the jurisdiction of the Village of Paw Paw for now and in the future.*
- 7) *In the event of future sidewalks deemed reasonably necessary for the safety of pedestrians by the Village of Paw Paw from the west property line to the Wal-Mart access drive on M-40 and to the entrance of the Wal-Mart building, Wal-Mart shall be required to construct sidewalks with the*

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approval from overseeing agencies.

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| 17. Motion by Basinger, supported by Richardson, to authorize the personnel to enter into an extension agreement until March 1, 2008 with the Police Officer's Union – Police Officer's Association of Michigan – POAM. McIntosh commented that the Council had budgeted for 2.5 percent but are giving 3 percent. Members: Basinger, Plaszczak, Richardson, Larcinese, Rohr and Wilhelmi vote yes, McIntosh opposed, motion carried. | Extension agreement of Police Union Contract-POAM |
| 18. Motion by Larcinese, supported by Rohr, to authorize personnel to enter into an extension agreement until March 1, 2008 with the DPS - Union International Union of Operating Engineers Local 324. McIntosh reiterated her comment that the Council had budgeted for 2.5 percent but are giving 3 percent. Members: Larcinese, Rohr, Basinger, Plaszczak and Richardson voting yes, McIntosh and Wilhelmi opposed, motion carried | Extension agreement of International Union of Operating Engineers Local 324 DPS Union Contract |
| 19. Motion by Richardson, supported, by Basinger, to authorize staff to enter into the road slurry seal contract for summer of 2007 in a not to exceed contract of \$73,385 with Pavement Restoration.
Roll Call Vote:
<u>Yeas: Larcinese, Rohr, Wilhelmi, McIntosh, Basinger, Plaszczak and Richardson.</u>
<u>Nays: None</u>
Motion carried. | 2007 Road Slurry Contract |
| 20. Motion by Larcinese, supported by Rohr, to authorize the Lawrence Hedgehopper's R/C Club the use of Maple Lake on July 28, 2007 from 8:00 a.m. to 3:00 p.m with rain date of August 4, 2007 from 8:00 a.m. to 3:00 p.m. All members voting yes, motion carried. | Hedgehopper Club use of Maple Lake |
| 21. Motion by Rohr, supported by Richardson to authorize street closures for Paw Paw Days as follows: | Paw Paw Days Closures Streets |

Friday, July 20, 2007

200 block of E. Michigan Avenue and the 100 block of S. Niles to Paw Paw Street at 5:00 p.m. until 9:00 p.m

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Saturday, July 21, 2007

100 block N. Niles from E. Michigan Avenue to Oak Street, 100 block of S. Niles Street to Paw Paw Street, 200 block of E. Paw Paw Street between Kalamazoo and S. Niles Street and 100 – 200 E. Michigan Avenue between Niles Street and Gremps Street at 6:00 a.m. until 6:00 p.m

All members voting yes, motion carried.

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| 22. Wilhelmi excused at 10:04 p.m. | Wilhelmi |
| 23. Page commented and updated the Council in regards to storm water agreement and the language changes that Plaszczak had requested with the ordinance codifications. Page also discussed the progress with contingencies on the Tapper Site Plan. | Attorney Page |
| 24. Plaszczak reported to the Council that DDA was working on a grant for sound system for downtown Village events. | Committee Reports
DDA |
| 25. Rohr commented to the Council that there would be a car wash fund raiser at the Housing Commission and it was moving forward with a ban on Smoking. | Housing
Commission |
| 26. Richardson reported to the Council Lori Anthony was requesting to move her office from Village Hall to the Party Wagon. Plaszczak commented that he had received several complaints about phone calls not being returned with regards to the festival. Basinger commented that Council should review the ordinance in reference to the location of the office. McIntosh agreed that Council should review the ordinance. | Wine and Harvest
Festival |
| 27. Basinger commented on the Dress Cody Policy and stated that it would be ready for next Council meeting. | Finance Committee |
| 28. McIntosh commented that DPS was joined by six teenagers provide by Michigan Works in regards to a work program for the summer. McIntosh also commented about trying to get grants and loans for low income housing programs. | DPS |
| 29. Plaszczak reported to the Council about changes with the Village website. Plaszczak also thanked Officer Turner for his dedication to the Village Police Department and | Council Comments
Plaszczak |

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remarked about Turner's accident.

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| 30. Larcinese commented on the bids for A/C at Village Hall and he still wants the profit and loss information on electrical fund. Larcinese also remarked about the health insurance information and felt that Council should look at alternatives to current carrier. Larcinese discussed the Drain Commission meeting that was held at the Paw Paw Township with regards to Briggs Pond. | Larcinese |
| 31. Basinger questioned issues of a Skateboard Park in the Village. | Basinger |
| 32. Motion by McIntosh, supported by Basinger, to adjourn meeting at 10:45 p.m. All members voting yes, motion carried. | Adjournment |

Respectfully submitted:

Village President,
Roman Plaszczak

Village Clerk
Christopher Tapper