

**Minutes, Paw Paw Village Council  
Regular Meeting, August 27, 2007**

1. The regular Village Council meeting of Monday, August 27, 2007, convened at 7:30 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. President Plaszczyk presiding. **Meeting Convened**
  
2. Present: Plaszczyk, Richardson, Basinger, Rohr, Wilhelmi and McIntosh. Excused Larcinese. Also present: Village Clerk Christopher Tapper, Department of Public Services Director John Small, Chief of Police Patrick Alspaugh and Village Manager Larry Nielsen **Members Present**
  
3. Others present: Debra Klinger, Raymond Houck, Jean Gregory and Gail Carr.
  
4. Motion by McIntosh, supported by Wilhelmi, to approve the corrected August 13, 2007 minutes of the regular meeting. All members present voting yes, Basinger and Rohr abstaining motion carried. **Approved Minutes**
  
5. Motion by Wilhelmi, supported by Rohr, to approve the corrected August 15, 2007 workshop meeting minutes. All members presenting voting yes, McIntosh and Basinger abstaining, motion carried.
  
6. Raymond Houck of 625 Hillcrest Drive gave a presentation with pictures to the Council in regards to semi-truck traffic and parking on Hillcrest Drive. Houck commented he was concerned about the road damage and noise. Houck stated he had taken pictures of four different streets in the Village that had postings that read "No Trucks over 7000 LBS Empty wt." Plaszczyk thanked Houck for appearing and responded there was a drafted ordinance number 412 on the agenda and Council planned to act on the drafted ordinance this evening. **Public Comment  
Raymond Houck**
  
7. Gregory was representing the Paw Paw Service League. Gregory was asking Council permission for street closures regarding arts and crafts for Paw Paw Wine and Harvest Festival weekend. Plaszczyk thanked Gregory for appearing and responded the street closures were on the agenda and Council planned to act this evening on the request. **Jean Gregory**
  
8. Carr was representing the Carnegie Center Garden Club. Carr commented on the new paper article she read from last week's paper. Carr expressed how important the Carnegie Center was to the community and how much the center meant to her. Carr commented she hoped the Village **Gail Carr**

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could find a way to keep the Carnegie Center in the community for years to come. Plaszczak thanked Carr for appearing and responded the Council had not made a final decision on the Carnegie Centers future but would carefully consider all opinions.

9. Motion by McIntosh, supported by Basinger to approve the corrected requested: The Paw Paw Service League has requested to have Paw Paw Street from Kalamazoo Street to Niles Street and the portion of Niles behind the courthouse parking lot be closed Friday September 7, 2007 at 7:00 a.m. to Sunday September 9, 2007 evening. All members present voting yes, motion carried.

**New Business  
Additional Street  
Closing PPWHF  
2007**

10. Plaszczak introduced drafted ordinance number 412, Prohibit Parking of Certain Vehicles on Certain Streets within the Village of Paw Paw. The ordinance would be an amendment to ordinance 1000, section 41 of the Village of Paw Paw Michigan, code of ordinance by adding section 41D to prohibit certain parking of certain districts and along certain streets in the Village of Paw Paw and provide for penalties and sanctions for violations of the ordinance.

**Review Draft  
Ordinance # 412  
Prohibiting Certain  
Parking on Certain  
Streets.**

11. Wilhelmi questioned if this ordinance will over ride Village of Paw Paw Ordinance number 413B. Plaszczak responded yes it will.

12. Motion by Basinger, supported by Rohr, to adopt Village of Paw Paw Ordinance number 412 with corrections to enforcement penalties and additional wording to General Provisions, section number three. Roll call vote: Plaszczak, Richardson, Rohr, Wilhelmi, McIntosh and Basinger voting yes, Larcinese absent. Motion carries.

**Adopting Village of  
Paw Paw Ordinance  
#412**

ORDINANCE # 412

Prohibit Parking of Certain Vehicles on Certain Streets within the Village of Paw Paw

AN ORDINANCE TO AMEND ORDINANCE 1000, SECTION 41 OF THE VILLAGE OF PAW PAW MICHIGAN, CODE OF ORDINANCES BY ADDING SECTION 41D TO PROHIBIT CERTAIN PARKING IN CERTAIN DISTRICTS AND ALONG CERTAIN STREETS IN THE VILLAGE OF PAW PAW; AND PROVIDE FOR PENALTIES AND SANCTIONS FOR VIOLATIONS OF THE ORDINANCE.

**THE VILLAGE OF PAW PAW ORDAINS:**

**TITLE**

This ordinance shall amend Ordinance 1000, Section 41 of the Village of Paw Paw Code of Ordinances by adding section 41D prohibiting certain vehicles from parking in residential zoned districts and on streets within and adjacent to residentially zoned neighborhoods.

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## INTERPRETATION

This amendment shall be constructed as an amendment to Ordinance 1000, Section 41 Parking by adding Section 41D Prohibit Parking of Certain Vehicles in residential districts and along Certain Streets. This amendment to the ordinance shall establish penalties for violations of this ordinance.

## SEVERABILITY

If any provision or section of this ordinance may later be amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or applications.

## REFERENCE TO OTHER SECTIONS

This ordinance, sections of this ordinance or any of the parts of this amendment take precedence over other sections of this code. The Paw Paw Village Council automatically amends affected sections of this code upon proper adoption, from time to time, of subsequent amendments.

## GENERAL PROVISIONS

Prohibit parking, at all times, of commercial trucks and vans with a gross vehicle weight of more than 1.5 tons on properties within the Village of Paw Paw that are zoned R-1, R-2, RM or RMH. This prohibition does not pertain to personal vehicles owned by the property owner or tenant(s) of the property as long as such vehicles are not used for any commercial, agricultural or industrial business or purposes.

Add restrictions prohibiting parking on sections of the following streets:

1. Prohibit parking, at all times, of trucks and vans with a gross vehicle weight of more than 1.5 tons on all Village streets and roads within or bordering residential neighborhoods zoned R-1, R-2; RM, and RMH.
2. Prohibit parking, at all times, of semi tractors and trailers of any weight on all Village Streets and roads within or bordering residential neighborhoods zoned R-1, R-2, RM and RMH.
3. Exceptions shall be those trucks, vans and semi tractors and trailers that are providing, delivering, or picking up goods, services, or materials to residential properties provided that such vehicles are in the act of providing deliveries, services or materials.

## ENFORCEMENT

Violations of this ordinance are considered Municipal Civil Infractions and subject to penalty there under. Officers of the Paw Paw Village Police Department and other persons specifically and properly designated to enforce ordinances in the Village of Paw Paw are authorized to enforce this ordinance. Penalties shall be as follows: First offense, \$50; Second Offense, \$100; Third and Repeating Offense, \$150. The Village of Paw Paw reserves the right to amend the penalties from time to time as it deems necessary.

## EFFECTIVE DATE

This ordinance shall become effective 20 calendar days after its adoption and publication.

13. Plaszczyk commented he and Nielsen visited the Carnegie Center last week. Plaszczyk commented the Carnegie Center was a beautiful building and a part of the Village of Paw Paws historical downtown. Plaszczyk commented on the financial difficulties the Carnegie Center was having.

**Carnegie Center**

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14. Basinger commented he felt finding the right revenue source would be the answer, adding the Center is valuable to the community.
15. McIntosh agreed with Basinger but added she felt the marketing and advertising of the Carnegie Center was part of the downfall in revenues. McIntosh commented that on an annual basis she received a donation letter, but this year and last year did not. McIntosh questioned costs of the building. McIntosh would like to see what the Village pays each year towards the building and also what other entities pay.
16. Plaszczak responded he would ask a member of the Carnegie Board to give a presentation at the next Village Council meeting September 10, 2007 at 7:30 p.m. Plaszczak also asked staff to prepare information regarding the Villages cost of the building to be presented at the next Council meeting.
17. It was the consensus of the Council to have a member of the Carnegie Board to make a presentation at the next Village Council meeting September 10, 2007 at 7:30 p.m.

18. Plaszczak commented the Audit Report for fiscal year end 2007 was completed and would be on the agenda for the September 10, 2007 meeting.

**Audit Report**

19. Nielsen made some recommendations to Council to consider changing the drafted internet policy following:

**Drafted Internet  
Policy Review**

4.4.1—changing the “and” to “or” so that the department manager or the village manger may approve downloading of data.

4.4.1.a)—changing the “and” to “or” so that department mangers or the village manager may approve downloading of data.

5.1—change “will” to “may.”

5.2—change “will” to “may.”

5.2.b)—Change to read: “Sending or receiving any inappropriate, unauthorized, unapproved emails or graphics.”

5.2.c)—Add sentence that reads; “Automatic updates and

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downloads to Village of Paw Paw software programs and others approved and install software are excluded from this section.”

5.2.g)—Add this item to read: “Any use that knowing or unknowing violates this policy.”

20. Small asked Council he would like Robert Harvey and Tracie Kirvan to have an opportunity to see the draft. Small commented he would like to review the draft with his staff.

21. It was the consensus of the Council to allow Small to review draft with his staff and have comments and corrections to final draft for next agenda September 10, 2007.

22. Nielsen made some suggested changes to the drafted dress code policy. Nielsen commented he felt the changes would be acceptable to Council and employees. Nielsen commented shoes were still a topic of discussion and sections 4.6 “Dress Down Friday.”

**Drafted Dress Code  
Policy Review**

23. McIntosh suggested taking out the section 4.6 “Dress Down Friday.” McIntosh commented she would like semi open toe dress shoes acceptable.

24. Basinger and Rohr commented the open toe shoe suggestion was more of a health and safety concern.

25. Basinger commented he would like to take out the word “office” from General, number four, section 4.1, 4.2 section e. would like to add “semi open toe dress sandals (not beach wear or flip flops),” 4.3 section add “jeans (except for emergency response crews),” 4.6 section removed completely.

26. Plaszczak suggested adding wording defining logos.

27. The consensus of the Council was to add section 4.2 g. defining acceptable logos on shirt/blouses.

28. Motion by McIntosh, supported by Rohr to adopt the 2007 Village of Paw Paw Dress Code Policy with all corrections. All members present voting yes, motion carries.

**Adopting Village of  
Paw Paw Dress Code  
Policy**

29. Nielsen introduced drafted ordinance number 413 to authorize the Village Council, by majority decision, to establish rules and regulations covering trash and rubbish removal within the

**Review Draft  
Ordinance # 413  
Trash and Rubbish**

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Village limits and to, from time to time, authorize the Village Council to enter into agreements, on behalf of properties and residents within the Village, with trash and rubbish removal companies for the removal of residential trash and rubbish and require residential properties to pay for such services.

**Removal**

30. Nielsen stated by giving the public an opportunity to voice opinions on the proposed ordinance Council would be able to work out problems before adopting the ordinance.
31. McIntosh excused 9:12 p.m.
32. Nielsen suggested collecting information from residents and educating the community on the positive effect this ordinance could have on the community.
33. Plaszczak suggested working with the DPS committee and collecting information that would help Nielsen move forward with drafting an ordinance.
34. It was the consensus of the Council to have Nielsen prepare a memo scheduling the process of moving forward with the drafted ordinance number 413 and present schedule at next Village Council meeting September 10, 2007
35. Nielsen introduced the drafted ordinance number 414 to establish charges for the Village of Paw Paw when providing emergency response and demands for services; and to provide for the collection of said charges by adding to the Village of Paw Paw code of ordinance. Nielsen commented if such an ordinance is in place, the Village would have been able to recoup cost from recent emergencies handle on I-94.
36. Nielsen commented the object of the ordinance was to protect the Village of Paw Paw from extraordinary expenses resulting from the utilization of Village resources in response to certain public safety or fire emergency incidents, demands for services, and or criminal activity; the Village of Paw Paw authorizes the imposition of charges to recover reasonable and actual cost incurred by the Village in responding to such incidents. Nielsen will seek input form Small, Chief Alspaugh and Village Attorney Page.
37. It was the consensus of the Council to allow Nielsen to move forward with gathering any needed information to proceed with any changes needed to draft ordinance number 414.

**Review Draft  
Ordinance #414  
Emergency response  
and Cost Recovery.**

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38. Nielsen commented the transfer was just an informational update, communicating to Council that the Wine and Harvest Festival was dispersing funds but had not received the revenue. **Wine & Harvest Festival Fund Transfer**
39. It was the consensus of the Council to meet with Mercer Health and Benefits principal, Guylaine Donovan on September 17, 2007 at 7:00 p.m. at Village Hall to discuss health insurance related concerns. **Workshop Session setting meeting**
40. Klinger commented she had lost more plant life in her yard this year than any other year she had lived in the Village. Klinger commented on the years of storm water problems at her residence. Klinger commented she felt she was a good citizen and that it was getting too expensive to live in the Village. **Audience Comments Klinger**
41. Motion by Wilhelmi supported Richardson to approve claims in the amount of \$275,209.97. All members present voting yes, motion carried. Next accounts payable Rohr and Basinger. **Accounts Payable**
42. Plaszczak commented on the storm last Thursday. Plaszczak expressed thanks to fire, DPS and police departments for all of their hard work. Plaszczak said he felt all parties did an excellent job and he was proud of all the help they provided. Plaszczak also commented on the news report from Channel Three news regarding the water contamination at Coco-Cola North American. Plaszczak stated the Village wells were tested and no contamination was found. **Council Comments: Plaszczak**
43. Wilhelmi asked if the claims could be put after minutes on the agenda and add committee reports to agenda. **Wilhelmi**
44. Plaszczak reported the DDA met last Monday, August 20, 2007. The committee approved claims \$984.00. The committee reported on the bridal walk and updated the PA system project. The Chamber was planning a Harvest Moon Walk October 12, 2007 **Committee Reports DDA**
45. Nielsen commented most items were covered throughout the course of tonight's meeting. Nielsen also thanked the efforts of police, fire and DPS department's involved in last week's storm. **Village Manager Report**
46. Motion by Richardson, supported by Wilhelmi to adjourn meeting at 9:43 p.m. All members present voting yes, motion carried. **Adjournment**

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Respectfully submitted:

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Village President,  
Roman Plaszczak

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Village Clerk  
Christopher Tapper