

**Minutes, Paw Paw Village Council
Regular Meeting, February 12, 2007**

The regular Village Council meeting of Monday, February 12, 2007, convened at 7:30 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. President Plaszcak presiding.

**Meeting
Convened**

Present: Plaszcak, Richardson, Larcinese, McIntosh, Wilhelmi, Basinger and Rohr. Also present: Interim Village Manager, Bill Sinclair, Village Clerk KeVen Riley and Department of Public Services Director John Small and Chief of Police Patrick Alspaugh.

**Members
Present**

Motion by Basinger, supported by McIntosh, to approve the January 22, 2007 minutes of the regular meeting as corrected. All members voting yes, motion carried.

**Approved
Minutes**

Motion by Wilhelmi, supported by Rohr, to approve the January 29, 2007 minutes of the budget workshop meeting as presented. All members voting yes, motion carried.

Motion by Larcinese, supported by McIntosh, to approve the January 31, 2007 minutes of the insurance workshop meeting as corrected. Richardson abstained. All other members voting yes, motion carried.

Motion by Rohr, supported by Larcinese, to approve the February 8, 2007 minutes of the budget workshop meeting as corrected. All members voting yes, motion carried.

Motion by Wilhelmi, supported by Larcinese, to approve accounts payable for \$378,948.17 as presented. Wilhelmi asked about check #22995 to Fleis and Vandenbrink and Larcinese indicated that it was an old bill from Gove Associates and Fleis bought out the company earlier in the year and this was an unbilled review from May of 2005. All members voting yes, motion carried.

**Accounts
Payable**

Robert Bell from 201 E. Michigan Avenue was present to complain out the 24 hour parking behind the Dyckman House. He felt the Village needed more parking in that lot. Plaszcak referred it back to Chief Alspaugh.

**Public
Comments:
Parking
problems**

Phyllis Kurzrock was present to question the re-zoning request from Wal-Mart.

**Wal-Mart
rezoning**

Damon Garrett representative from Atwell Hicks, representing Wal-Mart presented the Council with his request to have parcel #80-47-600-013-00 rezoned from Light Industrial I-1 to General Business B-2.

Garrett stated the Planning Commission voted 5-1 in favor of the request to rezone and he hoped the Council would do the same. Wal-Mart plans to develop the property with a large commercial building which will raise the current tax that is coming from the vacant property in question by a substantial amount. Wal-Mart has no intentions of putting the downtown businesses out of business.

Kurzrock stated she didn't feel the need to change if it was originally zoned Industrial.

Larcinese spoke on behalf of the Planning Commission stating their decision was based on the eleven questions from the zoning ordinance. Larcinese also brought up the letter from Gary Stock that was presented at the Planning Commission that asked whether or not if Wal-Mart didn't build could this request automatically allow the property to revert back to Industrial and after checking into it, the Commission found out it can't put that request as part of the rezoning but it does allow the property to be rezoned at a later date if necessary.

Attorney Page stated this is only a Map Amendment.

McIntosh commented that no development was going on in the area until the Village put water & sewer into the area south of I-94. She feels the Village needs to look at future development and not necessarily jump at the first request on the property. She was concerned about the dark store issue and she asked that Wal-Mart look at a smaller store instead of a super store that includes grocery.

Motion by McIntosh not to rezone parcel #80-47-600-013-00 from I-1 Light Industrial to B-2 General Business. Motion failed for lack of support.

Motion by Richardson, supported by Larcinese, to rezone parcel #80-47-600-013-00 from I-1 Light Industrial to B-2 General Business. Wilhelmi asked to ~~amend the motion~~. ***table the motion.** Page indicated that a motion on the floor could not be ~~amended~~ ***tabled** by anyone other than the person making the motion. Wilhelmi still questioned his ability to ~~amend~~ ***table** the

**Rezoning
Approved.**

motion stating he did this in the past. Plaszcak asked Riley for a copy of Roberts Rules of Order and she read the section stating it could not be ~~amended~~ ***tabled** and that Plaszcak need to call the motion to a vote. Plaszcak wanted to read the section and he agreed with Attorney Page and asked for a roll call vote on the motion. Larcinese, Rohr, Plaszcak and Richardson all voting yes and Wilhelmi, McIntosh, Basinger voting no. Motion carried. ***As corrected 2-26-07.**

Garrett than asked the Council for a letter of support to be sent to the Van Buren County Road Commission to allow the abandonment of a portion of S. LaGrave Street for Wal-Mart project. He explained that Wal-Mart has a purchase agreement from the Sirrine property which is at the dead end of S. LaGrave. He stated he has been in contact with Larry Hummel at the Road Commission and they are working through all requirements they need which includes a letter of support from the Village.

**Road
Abandonment
Request**

Attorney Page stated he will ask the Road Commission to prepare a list of the items that is need and the procedures that is required for the road abandonment and will advise the Village at the next meeting on February 26, 2007.

Attorney Page was present for the agenda item regarding the property owned by Eugene Hoina and explained the property is only a 28 feet strip contiguous to other Village owned property.

**Honia property
transfer request**

Trustee Larcinese was concerned about the environmental issue and asked the Village wait to move on the issue until at least a phase one environmental study be done first.

Attorney Page also spoke with the Council about a Traffic Safety Program that he is interested in bringing the grant money to the Village because not only would it bring the Village monies it would also bring approximately 850 additional visitors into the Paw Paw area. It is a motorcycle training grant and Paw Paw Cycle would hold the classroom training at their facilities. He spoke with the prior grant administrator and she completed the paperwork in 2-3 hours per week. The Village would clear about \$5,000 - \$10,000 in this grant program as the administrators. He will get more information on this now that he is aware the Village is interested.

**Traffic Safety
Grant**

Motion by McIntosh, supported by Rohr, to adopt ordinance number 407 as required by the MDEQ for the daily pollutant

**Ordinance #407
adopted**

lowering as follows:

VILLAGE OF PAW PAW

ORDINANCE NO. 407

An Ordinance amending Ordinance 1000, specifically amending
Section 21B -Sewer Revisions

The Village of Paw Paw ordains:

That Section 21B-511 (o) shall be amended to change and included the following pollutants all others previously listed will remain at their current daily limits:

21B-511 (o).	<u>Pollutant</u>	<u>Daily Maximum (mg/L)</u>
	Arsenic	.0262
	Nickel	2.32
	Silver	.259

Discharge of mercury shall be below detection. Monitoring for mercury shall be in accordance with the following test method:

The discharge of Mercury above the quantification level shall represent an exceedence of the local limit. Mercury sampling procedures, preservation, and handling, and analytical protocol for compliance monitoring shall be in accordance with the U.S. EPA method 245.1, unless Method 1631 is required by the Village. The quantification level shall be .02 ug/l for the method 245.1 or 0.5 ng/l for Method 1631, unless higher levels are appropriate because of sample matrix interference.

The Village shall require an industrial user to develop and implement a minimization plan where Mercury is found at detectable levels.

All members voting yes, motion carried.

Motion by Rohr, supported by Richardson, to adopt ordinance number 408 to provide for and regulate the protection of groundwater resources in the Village of Paw Paw and the Village of Paw Paw environmental permits checklist. Questions arose about the need for the ordinance and Small indicated it was a boiler plate ordinance required for the Wellhead Protection Program. There were some changes that were needed as the phone numbers were incorrect and the Council felt that they needed additional amount of time to actually review this ordinance. Rohr

**Ordinance #408
introduced and
discussed**

and Richardson both agreed to rescind their motion on the floor, until further review could be done.

Wilhelmi left at 10:08 p.m.

Wilhelmi left

Motion by McIntosh, supported by Basinger, to authorize staff to contact Attorney Thomas Fette from the law firm of Taglia, Fette, Dumke & White, P.C. of St. Joseph for Employment and Labor Law matters to include contract negotiations at a rate of \$125.00 per hour. All members voting yes, motion carried.

Labor Attorney hired

Motion by McIntosh, supported by Rohr, to adopt the resolution to authorize John Small, Director of Public Services to petition to the Van Buren County Drain Commissioner for the Gates Drain on behalf of the Village of Paw Paw as follows:

Gates Drain extension Resolution

RESOLUTION

WHEREAS It has been determined that large amounts of sediment are being and have been deposited into Briggs Pond;

WHEREAS It has been determined that extending Gates Drain, located and established in the Township of Paw Paw, Van Buren County, State of Michigan, would help in decreasing/remediating this problem and is necessary and conducive to the public health, convenience or welfare of the Village of Paw Paw;

NOW THEREFORE BE IT RESOLVED that John D. Small, Director of Public Services, be and hereby is authorized to petition the Van Buren County Drain Commissioner to extend Gates Drain on behalf of the Village of Paw Paw.

Yeas: Basinger, Plaszczyk, Richardson, Larcinese, Rohr, Wilhelmi, McIntosh,

Nays: None

Abstained: None

All members voting yes, motion carried.

Motion by Larcinese, supported by Richardson, to allow Chief Alspaugh to purchase two computers for the Police Department at a cost not to exceed \$2,247 as budgeted from Butler Computers. All members voting yes, motion carried.

Police Computers authorized

Motion by Rohr, supported by Larcinese, to allow staff to coordinate efforts for the Eastern Van Buren County Crop Walk on April 29, 2007. All members voting yes, motion carried.

CROP walk assistant approved

Motion by Larcinese, supported by McIntosh, to allow McKinley-Wilson Hall Post 2532 V.F.W. to conduct their annual poppy sales on May 10-12, 2007. All members voting yes, motion carried.

**McKinley-
Wilson Poppy
Sales approved**

Motion by Basinger, supported by Rohr, to allow street closures for the following streets to accommodate the Annual Paw Paw Days Car and Truck show on July 21, 2007, sponsored by the Paw Paw Chamber of Commerce:

**Road Closures
for Paw Paw
Days**

100 block of North Niles Street
200 block of South Niles Street
200 block of Paw Paw Street
100 block of East Michigan Avenue
200 block of East Michigan Avenue

All members voting yes, motion carried.

Motion by McIntosh, supported by Richardson, to allow street closures for S. Gremps Street from Harry L. Bush Boulevard (starting south of the DPS main yard gate) to Lilac to accommodate the Paw Paw Chamber of Commerce sponsored carnival for the Wine and Harvest Street festival on September 6-9, 2007. Also to include the gravel lot that is owned by the Village if the contractor does not rent it again this year. All members voting yes, motion carried.

**Road Closures
for Wine and
Harvest**

Motion by Basinger, supported by Rohr, to adopt the following personnel policy changes to include the following policies with the changes made and after review from Attorney Page:

**New Policies
Adopted
Violence in the
Workplace**

- Violence in the Workplace
- Sexual Harassment
- Computer/Internet use

**Sexual
Harassment**

McIntosh commented that no department heads have even reviewed these policies. All members voting yes, motion carried.

**Computer/Inter
net use**

Riley asked to allow staff to contract with J. Lindenberger to provide Protocol 2.0 Sexual Harassment Prevention internet training for all Village employees for a one year fee of \$35.00 per employee for a total of \$1,225.00 (35 employees). Requiring all department heads to complete the training within 60 days of approval. The request was referred back to the Personnel Committee.

**Sexual
Harassment
Training
request**

Riley reported on behalf of Wilhelmi for the parks and recreation committee stating Mark Wolonik talked about the fish tournament permit system. Griffelle hoped to begin work on Briggs Pond by Feb. 12, 2007, weather permitting. Also, they discussed some grants for the Briggs' s Pond clean-up.

**Committee
Reports: Parks
and Recreation**

Larcinese reported the Fire board had a light agenda and they discussed the 501 (c) 3 status and the made the necessary budget amendments and paid claims in the amount of \$ 6,651.51.

Fire Board

Richardson reported the Wine and Harvest board is planning a comedy night March 31, they planned on keeping the beer tent at the ReMax lot and they got a \$500 contribution from Bloomingdale Telephone.

**Wine and
Harvest**

McIntosh reported the committee met and discussed the dumpsters, the DDA flower box design; they approved a job evaluation form for the DPS and wanted them completed by March 1, 2007. They are also reviewing a historical preservation grant. She also praised Bob Harvey for saving the Village the money for the monitoring of the sediment loading for Briggs Pond.

DPS Committee

Plaszczak reported the Library project will be moving forward and they are working on the contract language.

**Council
Comments
Plaszczak**

Interim manager Sinclair reported they have 22 applicants for the Village Manager position so far.

**Manager's
Report**

Motion by Larcinese, supported by Richardson, to adjourn the meeting. All members voting yes, motion carried. Meeting adjourned at 10:42 p.m.

Adjournment

Respectfully submitted:

Village President,
Roman Plaszczak

Village Clerk
KeVen Riley