EDWARDSBURG VILLAGE COUNCIL MINUTES

October 21, 2019

The meeting of the Edwardsburg Village Council was called to order at 7:00 pm by President Scott Mackling, those in attendance were Paula Ralph (Clerk), Lisa Withers (Treasurer) and Trustees Jacque Tighe, Dennis Peak, Terry Bidwell, Jay Penny, Laura Hughes, and Kellen VanHulle.

Pledge of Allegiance:

Approval of Agenda: Motion made by VanHulle, seconded by Bidwell to approve the agenda. All in favor. Motion carried.

Public Comments: County Commissioner Roseann Marchetti provided the board with topics of interest within the county. A complete transcript of the minutes can be found at www.casscountymi.org

Resident Nathan Hutchison 26830 Hamilton Street (14-091-100-026-00) asked about the progress on the abandonment of the alley between his property and that of Lowell Harmon 26802 Hamilton Street (14-091-100-024-00). President Mackling met with the village attorney for guidance on this matter. Original plats show the 12 foot alley. Zoning administrator Leroy Krempec will look into legal language for abandonment.

Approval of Minutes: Motion made by Bidwell, seconded by Peak to approve the minutes of the 9/16/19 Regular board meeting as well as the 9/26/19 Special board meeting. All in favor. Motion carried.

Approval of Revenue/Expenditure Report: Motion made by Peak, seconded by VanHulle to approve the Revenue/Expenditure Report for the period of 04/01/19 to 9/30/2019 as presented. Roll call vote. All in favor. Motion carried.

Approval of Check Register Report: Motion made by Peak, seconded by Bidwell to approve the Check Register Report checks #33495 - 33573. Roll call vote. All in favor. Motion carried.

Treasurer's Report: The September 2019 (unaudited) report indicated that for the month receipts totaled $215,837.73, and the status of the certificates of deposit and savings accounts.

Public Hearing Marihuana Ordinance: At 7:15 Trustee Peak made a motion to close the regular meeting and open the public hearing. Supported by Trustee Hughes, all in favor, motion carried. President Mackling asked for any public comment. Prosecuting Attorney Victor Fitz opposes the ordinance, handed out information and asked the council to hold off until the State

Supreme Court makes a decision. Sam Garwood, 69151 Elkhart Road, spoke in favor of the ordinance, stating that since it was legalized in 2018 people are already coming to Michigan to purchase marihuana illegally, he thinks it would be safer to sell it legally through a dispensary and would bring new businesses to the community. Chris Clabaugh, 3570 Sand Lake Road, spoke to the comment Prosecutor Fitz made regarding the money from sales cannot be put into the bank. Since the legalization, some banks and credit unions have allowed marihuana businesses to open accounts. The small town he is from has seen revitalization and 3 new businesses added to the downtown. Debb Martin, 26855 Barber Street, spoke in favor of the ordinance. She attended all of the visioning sessions recently held and the major concern was how we get more business to move to Edwardsburg. It is a money making opportunity for the Village. Rick Behnke, Cass County Sheriff, opposes the ordinance stating that in Colorado crime rate and homelessness increased with the legalization of recreational marihuana. The rules aren't out yet for the recreational and any decision would be premature at this time. Gordon Carr, 26919 Church Street, wanted clarification on timelines, there are two opinions on that. Madeline Martin, 26855 Barber Street, spoke in favor of the ordinance, saying people are already coming from Indiana so why not sell it legally so that it can be monitored and controlled. Roseann Marchetti, Cass County Commissioner had some concerns regarding zoning. At 7:35 Trustee Peak made a motion to close the public hearing for the Marihuana Ordinance and open the Public Hearing for the Water Rate Resolution. Supported by Trustee VanHulle, all in favor, motion carried.

Public Hearing Water Rate Resolution: President Mackling asked for any public comment in regards to the Water Rate Resolution 2019-06. He explained that rate increases are recommended by the State. At 7:37 Trustee VanHulle made a motion to close the public hearing and return to the regular meeting. Supported by Trustee Peak, all in favor, motion carried.

COMMITTEE REPORTS

Presidents Report: President Mackling stated that the Clerk has not had a raise since January of 2017. He suggested raising her pay to $18.00 per/hour. Motion made by Bidwell, supported by Peak to raise the Clerk's pay to $18.00 per/hour. Roll call vote. All in favor. Motion carried.

President Mackling read the resignation letter of Jacqueline Tighe. Jacque has served on the Village Council in many capacities over the last 18 years. Motion made by Bidwell, supported by Peak to reluctantly accept Trustee Tighe's resignation effective at the end of the meeting. All in favor. Motion carried.

Cemetery Board: Cemetery Representative Penny presented a bid by Brown's Tree Service to remove 2 trees in the cemetery and grind the stumps. Motion made by Penny, supported by Hughes to pay $1,175.00 (101-276-818.1 & 101-276-818.2) to Brown's Tree Service for the removal of 2 trees and stump grinding. Roll call vote. All in favor. Motion carried.

Enforcement Officer/Zoning Administrator: Mr. Krempec gave an update on current and previous violations, what has been done and what further action is being taken. Regarding the alley issue on Hamilton Street, the attorney confirmed that the Village can abandon the alley. Leroy will investigate as to the legal procedure to move forward. All of the maps show the alley so he will look into how to restore or amend the plot back to the original boundary. Mr. Hutchison has recently had the property surveyed by Stephenson Land Surveying. Leroy will contact Stephenson for more information and bring it back to the council.

Building/Electrical/Plumbing/Mechanical Reports: Building Permits: 2 permits issued, $266.00 fees collected.

Police Board: Representative VanHulle provided the statistics for the month of September 2019 within the village, they are as follows: Calls for Service totaled 229, total Traffic Crashes 3. A complete transcript of the police board minutes can be found at www.edwardsburg.net

Ambulance Board: Representative Hughes provided the Agency Activity Summary report for the month of September 2019. Total number of incidents was 91. Edwardsburg 16, Ontwa 39, Mason 2, Jefferson 2, Calvin 1, Porter 1, Dowagiac 7, Niles Twp. 2, Cassopolis 4, LaGrange 1, Penn Twp. 3, Howard Twp. 2, City of Niles 4, Bremen 7. A complete transcript of the ambulance board minutes can be found at www.edwardsburgambulance.org

Fire Board: Trustee Tighe gave the fire report. August had 22 runs: Village 0, Ontwa 14, Jefferson 1, Milton 6, and Mutual Aid 1. Total runs YTD 152. September had 17 runs: Village 0, Ontwa 11, Jefferson 2, Milton 1, and Mutual Aid 3. Total runs YTD 169. The 1998 International Truck will be donated to the Elkhart Career Center for training.

Parks Administrator: None

Water Commissioner: President Mackling reported that there was a service line break under US 12 on Thursday, September 26th. Due to the water emergency several invoices need to be approved.

- Motion made by Peak, supported by Bidwell to pay $600.00 (591-552-930) to Concrete Man for sidewalk replacement. Roll call vote. All in favor. Motion carried.

- Motion made by Hughes, supported by Peak to pay $634.55 (591-552-930) to Ferguson Waterworks for parts. Roll call vote. All in favor. Motion carried.

- Motion made by Peak, supported by Bidwell to pay $6,140.00 (591-552-930) to Selge for "Emergency Water Leak Service". Roll call vote. All in favor. Motion carried.

Street Administrator: Motion made by Peak, supported by Hughes to pay $624.07 (202-104-818) to Spicer Group for NPDES Storm Water Permit July – September 2019. Roll call vote. All in favor. Motion carried.

Building & Grounds: The gas line to the building and leading out to the garage will need to be replaced. Waiting for estimates.

Equipment Supervisor: Motion made by Bidwell, supported by Peak to pay $227.62 (641-850-930) to McCann Industries to replace a broken injection line on the backhoe. Roll call vote. All in favor. Motion carried.

Recycling/Refuse Administrator: None

Planning Commission: Continues to work on ordinance amendments and plans to bring them to the Village Council next month.

Chamber of Commerce: Next meeting November 6th will be a potluck, a turkey will be provided, bring a dish to pass. Annual Cookie Walk, Thursday, December 5, 2019.

NEW BUSINESS

Marihuana Ordinance 2019-02: Motion by Peak to adopt Marihuana Ordinance 2019-02, support by Tighe contingent on revisions. The second did not support the original motion so the motion dies. Motion by Tighe to table Marihuana Ordinance 2019-02 for revisions, supported by Bidwell. All in favor. Motion carried. A committee will look at revisions and bring it back to the council at the November 18th meeting.

Water Rate Resolution 2019-06:

VILLAGE OF EDWARDSBURG RESOLUTION

FOR WATER SERVICE RATES, FEES,

CHARGES AND POLICIES

EFFECTIVE: October 21, 2019

Whereas, the Village Council of the Village of Edwardsburg provides water service to residents and Property owners on a cost fee basis.

Whereas, certain Village Ordinances give the Village authority to evaluate the rate at which is being used on a periodical basis.

Whereas, said Ordinance further provides that any rates designated by the Village council shall become applicable effective October 21, 2019.

Now, therefore, be it resolved, that the rates and the Ready to Serve Fees attached to this resolution shall be filled with the Office of the Village Clerk and available to users and property owners to read.

Resolved this 21th day of October 2019.

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Scott Mackling, Village President Paula S. Ralph, Village Clerk

Motion by Hughes, supported by Tighe to adopt Resolution 2019-06. All in favor. Motion carried.

Fireworks Ordinance 2019-03 – Schedule a Public Hearing: Motion by VanHulle, supported by Bidwell to hold a public hearing for the Fireworks Ordinance at the November Village Council Meeting, Monday, November 18th at 7:15 p.m. All in favor. Motion carried.

Adjournment: Motion made by Tighe, seconded by VanHulle to adjourn the regular meeting at 8:45 p.m. All in favor. Motion carried.

ANNOUNCEMENTS

- Trick-or-treat Hours – Thursday, October 31st 6:00 – 7:30 p.m.

Respectfully submitted,

Paula S. Ralph, Clerk
Village of Edwardsburg