

Approved with revisions 6/8/15

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Laura Ward, Clerk/date

VILLAGE OF HONOR

May 11, 2015 Meeting Minutes

The regular Village of Honor meeting was called to order by Dennis Rodzik, President, at 6:00p.m. on May 11, 2015.

Pledge of Allegiance led by Rodzik

Roll call: All Trustees present. Joe Schetteck, Kathy McManus, Richard Fast, Bill Ward, Dennis Rodzik.

Guests recognized: Shelly & Bob Rosa, Floyd Thompson, Jeannie Halanski, Shirley & Robert Short.

I. Approval of Agenda: Fast asks that item L be moved to item K under New Business and that item L be added to New Business. Rodzik asks for item P be added to New Business. Motion made by Fast, second by Rodzik to approved agenda with changes.

II. Approval of minutes from April 13, 2015 meeting: Ward motions to approve, second by Schetteck. Minutes approved 5/0.

III. Presentations: None

IV. Public Input: None

V. Treasurers report: Submitted by Debra Schaub. Additional submission of equipment/labor transfers made to General from Fiscal Quarters 2-4, 2014.

VI. New Business:

A(BW)-Website/FB. Ward initiates discussion on updating Village website, offers suggestion of finding a HS student who would benefit from the experience of updating. Fast questions webhosting and domain payment contract-Rodzik mentions it expires after 3 years. Council gives nod to Ward to go ahead. Rodzik will make sure Ward has necessary access. Ward asks about FB accessibility of other Council. Rodzik notes that it is not owned by the Village. Rodzik mentions that Fast, Tiffany Clark and he currently have access to post. Rodzik will make sure that all Council have the password but warns that it is for informational purposes only and not to engage in debate.

B(DR)-'13 Forensic Audit of supplies. Rodzik brings up discrepancies in the amount spent for supplies between '13 & '14. Rodzik asks for volunteers, none came forward so he will take on the task himself.

C(DR)-Public input policy. Rodzik discusses allowing of interaction with public at e4nd of meeting. Asks Council if they would like to continue this practice. Fast wishes to continue with the adoption of a five minute(5) limit. Council adopts new policy.

D(DR)Purchase of Henning property. Rodzik discusses parcels B & C now up for option to purchase by the Village. Rodzik mentions costs of approximately \$400.00 for parcel a, \$2,000.00 for parcel B. B includes the pole building which has abandoned vehicles in it and states they would be of value as scrap and that building could be used for storage such as the Village generator. Ward clarifies that the contents also fall under profits which go back to the County. Discussion continues of possible usage and options on currently owned Village property as well as options for the two parcels. Rodzik mentions opinion letter from Corporate Council-placed in minutes. Discussion sways to parking lot building on Main St., Village parking situation, maintenance costs on the parking lot. Fast leads discussion back around stating that the building on parcel B is of more value than the lot, discussion extends again, includes a fourth parcel at the end of town, finally coming to a motion by Fast to purchase parcel C, rejecting parcel B and end of town strip. Second by Rodzik. Roll call vote 5/0, motion passes.

E(DR)-Act 51 Training. Rodzik motions, seconded by Schetteck, to allow Clerk and Treasurer to attend short session in Gaylord on Act 51, including mileage @ .50/mile and \$20.00 each for meals. Roll call vote, 5/0, motion passes.

F-Pulled from agenda prior to mtg.

G(RF)-3 charges to verify. Fast questions 3 purchases of tools by Rodzik brought to his attention, including a FOIA request by a public person. Copies are made for Council. Rodzik mentions that this discussion also covers item I., Request for Legal Counsel.

Rodzik addresses, on principal, the power granted to a Village President of day to operations and approved budget spending. Request is only necessary if purchases exceed budget allowances. Rodzik informs that roll call votes on items already covered under allowed budget are unnecessary. If purchase will exceed budget, it is the responsibility of Council to amend the budget. Questions o appropriateness of purchases can be raised by Council at any time. Fast bring the purchases in question back into discussion, Rodzik mentions that the items purchased were within his authority to purchase and are in the building for Village use. Schetteck brings up ~~personnel~~ Village \*policy which says that the tools should be inspected and should be thrown out if not in good condition. Fast questions specifically, asking about the need for an additional heater when the village already owned two. Rodzik states that it was his determination and under his authority to make the purchase. Fast questions why our maintenance employee was not utilized in that determination. Fast questions the continuation of all allowing a \$500.00 discretionary purchase authority of ~~the President~~ Village Council.

I(RF)-Request for legal consultation. Agenda jumps due to relevancy of the topic. Fast questions the frequency and necessity of legal consultation and amount being spent. Rodzik affirms the \$5,000.00 budget allowance and his authority to use as seen fit.

McManus steers discussion back to Schettecks comment about unfit tools, questions who claimed or inspected the tools. Fast questions why Schetteck is bringing it up now. Rodzik mentions that it is the DPW's job to inspect the tools. Fast states that he asked Durkee personally if he needed the tools purchased, Durkee stated no. Discussion turns to the policy of not using outside tools for the Village, such as currently used for building new information boxes.

H(RF)-Hiring committee. Tabled until formal resignation letter is received from Durkee which will create formal vacancy. Clerk state that several applications have been received.

I(RF)-Request for Legal Consultation. Fast states he has already spoken on this issue (above). Rodzik wishes to contribute additional comment regarding updated opinion on publishing Ordinances. Village Charter states that it must be published in Village paper and three public locations. We no longer have the paper. Rodzik consulted with legal counsel, they consulted the State AG's office. The State AG decision, from 1981, clarifies distinction of "publishing"; posting in 3 public locations qualifies. PLEASE REQUEST COPY OF AG LTR FOR FUTHER VERBAGE ON THIS. It is the position of the Village that we are not legally obligated to publish-in a newspaper-ordinances adopted or revised.

J(DR)-Municipal Civil Infractions Ordinance on Zoning-Rodzik discusses how this zoning ordinance will give the Village follow up on infractions issued. Planning Commission drafted new VOH MCIO ordinance for adoption by Council. Rodzik motions, Fast seconds. Ward requests clarification on several points. Sec.2Pt.C-Authorized Civil Official. Rodzik states that the Village currently has only one Ordinance Officer and that the statement refers to the Village having a second officer or a Village Constable. Fine of \$100.00 a day-Rodzik clarifies that after a letter is sent out, the violator has 10 days to rectify the issues. Should no action be taken, then the first ticket will be issued. A new ticket must be issued each day which would impose addition \$100.00 fines. Ward questions "or 90 days in jail" and further clarification from Rodzik on the process of engaging court proceedings should the violator take no action at all. Rodzik states that this ordinance gives the Village "teeth" to enforce. Roll call vote taken, 5/0 motion approved to adopt Ordinance 47.

K(DR)-Honor Garden Club. Jeannie Halanski mentions that the Garden Club is willing to maintain garden boxes but requests funds to purchase the dirt needed. Rodzik moves to approve up to \$200.00 which would fall under Grounds & Maintenance budget, so roll call vote is not necessary. Fast disagreed approving without Council vote. Council approved motion without vote. Rodzik initiates off track discussion about budget and who should be involved. Budget committee will now meet starting in September with each department giving input. Fast questions why the policy to spend money without a roll call vote is now alright when Council has acted under the intention to vote on spending previously. Fast will research and bring up again at next meeting.

L(RF)-Firearms-Fast questions whom, beside Ordinance Officer is enforcing the Ordinances. Brings up incident where Schetteck and Rodzik appeared on site of residence with firearm present.

Heated discussion ensues over the incident being Village business or not. Rodzik claims he was there on personal time. Fast motions that from here on out, the President does not carry a firearm while conducting Village business, second by Ward. Rodzik state that that is illegal. Schetteck interrupts to state that Rodzik was on his own personal time. Discussion become contentious covering 2<sup>nd</sup> Amendment rights, image of the Village and liability, among other unrelated issues. Ward makes secondary motion to have a Village policy that no Village Council member or employee shall carry a firearm conducting Village business. Roll call vote on secondary motion: Fast-aye, McManus-aye, Ward-aye, Schetteck-nay, Rodzik-nay. Secondary motion passes 3/2. Roll call vote on main motion: Fast-nay, McManus-no vote, Ward-abstain, Schetteck-no vote, Rodzik-no vote. Main motion fails 0/1

M(DR)Hearing Officer-Rodzik discusses that violation under Dangerous Building Ordinance 43(misprint #44 on agenda) the offender has a right to a hearing. It is necessary to have a Hearing Officer in place. President has authority to appoint. Rodzik appoints Bob Thieabold as said officer. Rodzik motions to pay Hearing Officer \$100.00 per incident, second by Schetteck. Ward questions the frequency foreseen by Rodzik. Rodzik mentions a couple properties that will most likely come up. Once violation is issued by enforcement officer, violator has a right to come before the Hearing Officer and receive recommendation on resolving the issue. Hearing Officer must be ~~an engineer~~ licensed building contractor or engineer. Roll call vote: 5/0, Ayes carry.

N(JS)-Trees on Henry Street. Schetteck requests that lot owned by Village across from his home be landscaped. Ward suggests developing a plan for the landscaping. Fast suggests a committee to Ward and Ward volunteers. Rodzik recommends that Schetteck and Ward develop a plan to propose to Council.

O(DR)-Ordinance Officer pay-Rodzik discusses the danger of the tasks assigned to the Ordinance Officer. Schetteck discusses threatening incidents and lack of protection. Rodzik moves that the Ordinance Officer by paid \$50.00 a month, second by Fast. Involving pay, roll call vote: Fast-aye, McManus-aye, Ward-aye, Schetteck-abstain, Rodzik-aye. Motion passes 4/1.

P(DR)-Planning Commission-Rodzik makes motion to allow PC to meet one a month, second by Fast. Rodzik discusses the decision to cut back on PC's meetings. PC's feel that the zoning laws need to be revised, for instance, the property designations from C1 to C3(resort). Rodzik discusses how those changes would limit property owner's rights. PC also feels that more frequent meetings are necessary to revise the master plan. Rodzik mentions the cost spent on the existing Mast Plan (\$15,000.00). Fast mentions 3 years of monthly meeting dealing with the Master Plan. Ward inquires about ongoing needs and might special meetings over what may come up. Fast notes that no one from PC is in attendance. Motion fails 0/5.

## VII. Old Business

A(BW)-Rosa sewer rates. Tabled from last meeting. Rodzik makes statement regarding inability to proceed on issue without input from Eli, our MRWA representative, which he has been unable to do. Chair recognizes Shelly Rosa. Shelly states that she did speak with Eli after not hearing back from the Village and consulted on the issue of there REU's and the guidelines

the Village has used, a copy of which was given to Shelly. Shelly stated that their previous REU's set were based on prior Council review which Eli told her were correct. Healthy Council discussion ensues. Fast mentions that no other business has yet come forward. Fast suggests that we "meet them-The Rosas-in the middle," going back to the \$445.00 monthly rate. Bob Rosa was asked about their previous REUs. Rosa states that they do not see the REUs on their bills. Rodzik excuses himself to look it up. Rodzik returns with information that previous REUs was 11 units. Rosa questions why REU rates are different for businesses and residence. Rodzik goes into explanation on the decision for the difference with the intention for the future that they become more equal. Detailed discussion about various rates and times of increase and reductions, including the REU increases based on the Government guidelines. Rosa speaks again to the fact that he built his business based on certain categories for carwashes, and that the option now to have a water recycling system to lower his REU's is too late. Fast states that their increase should have been on the price per REU, not an increase of the REUs. Fast again suggests reducing their bill to \$445.00 a month which Rodzik notes would put them back at 11 REUs but at the rate of \$40.00 per REU. The discussion continues to be confused on the facts. Ward asks what the yearly cost to operate the sewer is. It is noted by fast that the cost is approximately \$130,000.00. More math discussion continues and further confuses the issue. Fast motions to lower bill to \$445.00 a month. Additional discussion interrupts, then Fast motions lowering to 11 REUs at the \$26.00 per REU rate, second by Ward. Secondary motion by Rodzik to reduce all business REUs to last years schedule, second by Fast. Roll call vote: Fast-aye, McManus-aye, Ward-aye, Schetteck-nay, Rodzik-nay. Motion passes 3/2. Secondary motion passes without roll call vote. Heated discussion about previous sewer business ensues. Rodzik mentions main motion passes. Clerk calls for roll call vote on secondary motion to reduce all businesses to REUs prior to instituting guidelines. Fast-nay, McManus-abstain, Ward-nay, Schetteck-yes, Rodzik-nay. Secondary motion is not adopted 1/3 with one abstention, nays carry. Rodzik brings main motion back and opens up discussion again. Schetteck states that he thinks we should lower everybody's rates to be fair, Fast agrees, Ward & McManus abstain from comment. Rodzik makes additional comments. Contentious comments from the floor. Roll call vote on main motion of reducing Rosas REUs from 20 to 11: Fast-aye, McManus-aye, Ward-aye, Schetteck-nay, Rodzik-nay. Main motion passes 3/2. Fast notes that he stated in his main motion that the change in their bill would be retroactive to January 2015.

B(BW)-Ditch dredging. Schetteck submits two quotes for rental of equipment and states that he believes that it could be completed in a couple of days. Fast questions who would run the equipment, Schetteck says that if he is covered by the Village insurance, he could run them, no license is needed. Ward questions where the dredged material could be dumped. Ward motions to table the issue until next meeting due to lack of information, second by McManus. Motion passes 5/0, issue is tabled until June meeting.

C(DR)-Personnel policy. Clerk reads 4/13 minutes to clarify why issue was tabled-Council was to review the changes proposed to the policy. Rodzik motions to accept the changes, Schetteck seconds. Roll call vote since it concerns personnel policy: Fast-aye, McManus-abstain, Ward-aye, Schetteck-aye, Rodzik-aye. Motion passes 4/0.

D(BW)-dog poop. Ward reads Sec. 2 from existing Ordinance #3 from 1947 and makes motion that Ordinance Officer enforces it, Rodzik seconds. Ward suggests publishing or posting in the newsletter. Rodzik suggest verbal warning first. Brief discussion was held about purchasing a dog waste station for the Village streets and posting signs of the Ordinance. Suggested action of purchasing station was agreed upon without vote.

#### VIII. Reports

Maintenance/Street Administrator: Written report submitted by Durkee, no questions.

Zoning: No report

Parks: Porta potties were ordered for Maley Park for the summer. Cost is \$160.00/month for two.

#### IX. Bills/Checks

Report submitted by Clerk. Fast questions Republic cost of \$2,000.00. Clerk states it includes ordering bags as well as monthly resident, sewer and Village Hall pick up. Fast questions purchase of camera, suggests that Council should have approved. Rodzik states it is in the budget, Fast questions which budget, and wonders if the camera was used during the previously discussed incident. Ward questions why documentation needs to happen during the process of violators cleaning up. Rodzik states that it is the advice of legal counsel to document before, during and after. Rodzik motions to accept bills/checks as presented, second by Schetteck. Roll call vote: Fast-aye, McManus-aye, Ward-aye, Schetteck-aye, Rodzik-aye. Motion passes 5/0.

#### X. Amendments

None. Rodzik notes that there may be a need to transfer funds from General to RRI account to comply with Rural Development bond. Looking into the issue with Rural Development.

#### XI. General discussion

Clean up day plans and volunteers are in place. Durkee questions liability of towing personal trailer behind Village truck.

#### XII. Public Input

Rodzik notes policy change of a 5 min. time limit. Durkee, from the floor, questions using own tools. Rodzik states that he should not, it could be a liability and he should not be using them. Durkee states that he will be asking for additional funds for purchasing tools

needed. Durkee wonders if Village tools can be used for personal use. Schetteck notes a policy stating that we cannot rent out hall but Village persons can use the hall, and tools. Durkee will be meeting with Rodzik to review and sign Personnel Policy. Rodzik encourages Council to review Personnel Policy. Fast questions if waste haulers have started. Durkee states there has been two drops. Chair recognizes Bob Rosa. Rosa thanks the Council for the consideration, clarifies what was stated and questions when the next rate increase will be. Confusing discussion again about current rates, and possible increases. Chair recognizes Tommy (Floyd) Thompson who expresses concern about working with the Hearing Officer. Rodzik assures that there won't be an issue with the hotel property and notes how great the property looks. Rodzik asks for indulgence and speaks about next steps to address Ordinance adopted, such as Dark Sky. Consumers Energy will be coming to review lights to cap next week. 29 lights have been identified, mostly on the main corridor, 5 are residential.

### XIII. Correspondence

Sent-Jerry Cole-his property will be addressed under the Dangerous Building Ord., Cliff Grostick-FOIA request, Christopher Greening0boat being stored on Main St. Letter gave him 10 days to remove. Rodzik unsure what to do if it has not been removed after the time is up.

Received-Cliff Grostick-FOIA request. Blake Smith, recent request of records from Rural Development.

### XIV. Adjourn

Ward motions, second by Schetteck. Motion to adjourn passes 5/0 @ 8:49p.m.

\*recorded as "personnel"

\*\*Audio copy available