

Approved 9-14-15 Council vote 5/0

VILLAGE OF HONOR

MINUTES FOR August 10, 2015

The regular Village of Honor meeting was called to order by President Dennis Rodzik @ 6:00p.m. on August 10, 2015.

A. Pledge of Allegiance led by Rodzik

B . Roll call conducted by Village Clerk, Laura Ward, Trustees present: Rick Fast, Kathy McManus, Bill Ward, Joe Schetteck and President Rodzik.

C. Guests recognized:

I. Approval of Agenda: Rodzik adds under Old Business item D- attorney letter. Ward adds under New Business item Q-Planning Commission appointment. Ward motions to approve agenda as amended, 2nd by McManus, agenda approved 5/0.

II. Approval of minutes from 7/22/15. Ward motions to approve, second by McManus, Rodzik calls for roll call vote, Ward questions why roll call vote is necessary. No explanation from Rodzik. Motion to approve 7/22/15 minutes passes 3/2. Motion by McManus to approve minutes from 7/30/15, 2nd by Fast, motion passes to approve 7/30/15 minutes passes 3/2.

III. Presentations: None. Note: Frank Post recognized and spoke (under New Business item I.) of the Benzie County Natural Hazards Mitigation Plan. Copies of plan and resolution for Village Council to adopt were distributed at the July 13, 2015 meeting which had no quorum and the decision was made to allow presenters to speak due to large public attendance.

IV. Public Input: D.Durkee speaks to time off request of 9/10-9/15 and his recommendation and search for a temporary replacement -he did speak with Eli, but wants coverage addressed. S. Lemon speaks to her role at the Honor Farm and Flea Market held on Tuesday at Maley Park. Presents release form to Council. Lemon notes that she has had a problem recently with someone at the park and she asked him to leave. She called the police who spoke to Rodzik who told the police that she has no power to ask them to leave based upon a prior Council decision. She is requesting having control over disruptions, or the Village can take it over.

V. Treasurers Report-Fast asks about waste hauler portion of receipts were-\$6,975.00 for July. Schetteck motions to accept report as presented, 2nd by Ward. Motion passes 4/1.

VI. Old Business:

A. F.O.I.A. Policy/officer appointment-Ward questions Rodzik if there was a policy, Rodzik answers negative. Ward asks permission to submit a policy he drafted to legal Counsel, and motions for approval. 2nd by Fast. Rodzik questions if financial approval of attorney fees is necessary. No secondary motion. Motion carries 5/0. Ward motions

to appoint Deb Schaub as F.O.I.A. officer. Rodzik states he will consider it once he speaks to Schaub. Rodzik motions to move appointment until next meeting, Fast 2nds. Motion carries 5/0.

B. Street lights. Fast moves to suspend the six month trial period with Consumers and turn back on all streetlights and have Durkee assigned to work with Consumers Energy on this urgent matter, 2nd by Ward. Rodzik speaks to what had transpired to identify and tag lights. Rodzik questions why they all should be turned back on. Fast speaks to the overwhelming request from the public. Off topic discussion regarding budget is allowed. Ward speaks to the safety issue and for the good of the people. Schetteck and Rodzik do not want the streetlights in front of their house turned on. Motion carries 3/2.

C. Durkee benefits/personnel policy. Fast moves to amend the Personnel Policy to reflect that any full time employee shall, after 1 year of service, be entitled to a subsidy of \$200.00 per month towards his/her health benefits. This cost will be evenly shared by O & M and General. Fast further moves that this subsidy be immediately approved for our current Maintenance Person, Doug Durkee, and effective August 1, 2015. Second by Ward. Rodzik speaks to the raise vs. benefits discussed with Durkee at his review. Roll call vote. 3/2 to amend Personnel Policy with subsidy to Durkee effective 8/1/15.

D. Attorney opinion letter. Rodzik speaks to letter received on the 31st and the questions posed. 1. No, Council cannot ask President to resign. 2. Village insurance picking up Rodzik cost has reached the highest level of review and he is waiting for their reply. 3. Council cannot ask insurance company to deny coverage. 4. Setting the agenda could have been discovered going to MML instead of going to the attorney.

VII. New Business

A. Computer usage- Fast moves that all computers in the Village are available to all Council members. The log in security code will be available by asking the Treasurer or Clerk, and further moves that the President and Treasurers computer security code be made immediately available. 2nd by McManus . Schetteck says that they have a call into the attorney. Rodzik says they are seeking legal opinion, and states his intent to return the Village laptop for use by all Council. Rodzik motions to table for 30 days, 2nd by Schetteck. Motion carries 5/0.

B. Durkee trial pay- McManus moves that Doug Durkee be compensated at his hourly rate for the wages lost due to the responsibility of being a subpoenaed witness for the upcoming court appearances. 2nd by Ward. Rodzik notes that the personnel policy needs to be amended to address that issue. Discussion ensues regarding the policy having been corrected by Rodzik to address Durkee's concerns. Rodzik notes his

intention to send a letter to each Council member addressing Durkee's documented concerns. Ward makes secondary motion to amend personnel policy to reflect compensation pay for employees called into court for Village business, 2nd by Fast. Ward to provide written statement of the amendment. Roll call vote taken 3/2. (This is covered in the personnel policy with Jury Duty pay.)

C. Debit card usage- Fast moves to cancel the Village Debit card immediately until a concise spending policy can be written and adopted by Council. Res. #113-15, 2nd by Ward. Motion carries 3/2.

D. Alternative supervisor for Durkee- Fast rescinds the topic since the judge allows Rodzik to conduct Village Business.

E. Village manager compensation- Fast moves to reduce the Village manager pay from \$300.00 a month to \$75.00 a month which will be entirely dependent upon his attendance and presiding over all meetings. Rodzik speaks to ignoring the General Law Village Act. 2nd by Ward. Rodzik speaks to the serious law suits the Council faces and that two Village residents that will be filing complaints with the Michigan State Police in regards to the violations of the July 22 & July 30 meetings. Discussion about maintaining website, and meetings needing to be posted. Roll call vote 3/1 (3/2 vote, includes vote by Rodzik.)

F. "Village of Honor" Facebook page- Ward moves that the Village of Honor does not maintain a FB page and no one person has permission to post on FB representing themselves as speaking for the citizens or the government of the Village of Honor or may use the headline or title, "The Village of Honor" without the prior approval of a majority of the Village Council. 2nd by Fast. Rodzik notes it is a private page and that there are two Village of Honor FB pages, and since they are private they cannot be restricted. Off topic discussion regarding gun policy from Rodzik who states under the General Law Village Act he is considered the Peace Officer of the Village and he cannot be restricted from carrying a gun and that is what the legal opinion will read. Resolution # 112-15. Clerk verifies that the title of Village of Honor should be removed from the current page. Motion passes 3/1.

G. CoHo Festival resolutions/fireworks donation- Fast requests resolution number(Res.#110-15) Fast moves that Council approve the following: Closing of US 31 on August 22, 2015 from 1:30p.m.-3:00p.m. Closure of Leelanau St. from Deadstream Rd. to US31 from August 21, 2015 @ 8:00a.m. – August 23, 2015 @ 6:00p.m. Closure of Deadstream Road from Platte St. to Leelanau, and permission to hang a banner (3' x 30') from the building currently occupied by Honor Insurance Agency -10911 Main St., directly across US 31 to the vacant building currently for sale, east of Henry St.. Schetteck seconds motion. Motion carries 5/0. Fast makes second motion for Council to approve a one-time donation of \$500.00 toward the fireworks display, second by McManus. Off topic discussion from Rodzik regarding the opposition of Council to approve continuing education classes/Sault Ste.Marie summit. Roll call vote 5/0, motion carries.

H. Hydraulic leak- Ward responds to posting on FB regarding "toxic spill" and the call to DEQ and reads statement from his witnessing of the incident. Statement submitted, and rising costs of the incidents to the Village. Rodzik states he spoke to DEQ, but there is no report available yet. Rodzik speaks to the report from Schetteck that his friend Deb Schaub was having breathing problems and he investigated and discovered the spill (40x30 feet). Rodzik further speaks to the CDC statement on hydraulic fluid. Ward questions which brand of hydraulic fluid and reads statement specific to the brand we used which showed no issues with toxicity. Council questions why the fire department wasn't called. Additional discussion continues to no conclusion.

I. Benzie County Natural Hazard Mitigation Plan resolution- Ward notes Frank Post's presence, and Post is allowed to speak to the plan. Ward motions to accept the plan, reads the resolution, 2nd by McManus # 114-15. Motion passes 5/0.

J. Village email- Ward discusses the fact that the Village email has Rodzik's name on it no matter who it is from. Ward also notes that the person should sign their emails. Clerk speaks to the profile being Rodzik's name and her need to put "from Laura" in the subject. Rodzik states he will look into it. Fast moves to table until next meeting, 2nd by Ward. Motion carries 5/0.

K. Sewer committee- Ward notes he was appointed to the committee with Schetteck and requests technical assistance such as a non-resident to be on committee. Rodzik will seek clarification, requests the name from Ward. Rodzik notes he will have an answer by "the end of the week." Ward motions to table until next meeting, Fast seconds. Motion carries 5/0.

L. Violations of the OMA- Rodzik contends that the VOH "maintains" an official web presence which has meeting times and dates posted. Further speaks to the notice of "special" meetings. Rodzik forewarned Council that the July 22nd meeting was illegal. Rodzik notes that it was called a "regular re-scheduled" and that we had 3 days to reschedule it. Debate opens up to the fact that the regular meeting didn't take place versus it being suspended. Rodzik speaks to the OMA violations. Council questions Rodzik's absence at the regular meeting and lack of assistance to reschedule meeting. Rodzik mentions his emergency call regarding his son. Clerk is allowed to speak to the website presence and her attempt to update the website. Rodzik notes he took snapshots of the meeting schedule since January. Rodzik notes that there is personal liability recourse against Council.

M. Illegal appointment of Dept. Clerk-Rodzik states that the appointment was illegal, only the president can appoint, not the pro-tem.

N. Village clerk-dropped by Rodzik

O. Destruction of private property by maintenance dept.-Rodzik speaks to the issue of Durkee cleaning out the ditch on Henry/Cedar and the damage caused to the lawn. Rodzik advised Deb to get a quote since the Village is responsible for the damages. Ward asks about how much of the property is on the easement. Schetteck states he

already talked to an attorney about it. Rodzik notes that a bill will be coming through and that Deb will "more than likely" be filing in small claims court which would be moved up to District Court because we are a corporation.

P. Cedar Street blight-McManus and Schetteck discuss what is going on. Specifically, the trailer which can't be condemned because of the time limit and the speculation from Rodzik that the original manufacturer no longer exists who would have to do the repairs. It can't be removed unless its been condemned.

Q. Planning commission appointment-Ward confirms that Rodzik resigned from Planning Commission. Rodzik moves to appoint Bill Ward to PC. 5/0 confirms appointment. Rodzik suggests that Bill read up on the OMA because tomorrow's meeting may be illegal.

VIII. Reports:

Maintenance/Street administrator-Doug Durkee was allowed to audibly review his submitted report. Cedar/Henry ditch specifically discussed as well as MIOSHA visit and their forthcoming report.

Zoning Administrator/Planning Commission- N/A

Park Committee- Ward speaks about Farmers Mkt. traffic. Rodzik brings up the incident at the Farmers Mkt. and he discusses with Fast about the prior Council decision. Lemon speaks that the money isn't the issue but to have control over what happens. Is the Village liable by giving Lemon control? Lemon states the release signed by participants protects her and the Village. Lemon notes that the insurance company has stated in the past that we were covered. Ward moves to allow Susan Lemon be allowed to ask people to leave if they are not behaving in a civil manner, 2nd by Fast. 5/0 motion carries.

Sewer Committee-N/A

Budget Committee-No changes per Fast.

Attorney communication report-already covered

Ordinance officer report-no report, discussion regarding when it came about and lack of policy. Schetteck states he cannot show up to an illegal meeting.

IX. Bills/checks-Ward questions additional receipts not on report. Clerk comments about the receipts dated in July but hadn't been received in time to include in the report. Fast motions to pay bills as presented, 2nd by Rodzik. Clerk requests that the two additional invoices be addressed. Ward asks about HazMat fee from TC, Durkee is allowed to comment. Rodzik states that he thought Council voted not to pay last year.

Clerk notes that it was paid; Rodzik believes that was in error. Rodzik asks that it be added to the agenda for next month under New Business. Ward brings up PCS bill for \$1,630.24 and discussion comes back around to the spill and when it needed to be pumped; Durkee's answers from DEQ versus Rodzik's understanding that it be done by Monday. Ward moves to table the TC Hazmat bill until next month, 2nd by Fast, motion carries 5/0. Fast moves to pay bills as presented except tabled bill, 2nd by Ward. Roll call vote 5/0, motion carries.

X. Amendments-N/A

XI. General discussion-McManus speaks to the childishness of the Council proceedings and behavior of Council. Rodzik brings up Riverside Acres and does the Village pay for their pump, he feels we should. Fast notes that it would open it up for anyone who was annexed into the Village. Durkee gives explanation to the gravity fed system used by the Village and the responsibility of the user to get it to the Village main. It is clarified that the pump is on the owner's property, therefore their responsibility. Rodzik questions Fast about the sewer rate reduction intention of the last meeting. Requests clarification of REU's versus the rate to businesses to help figure out the financial impact. Discussion becomes argumentative and unproductive.

XII. Public Input

Mike Bailey speaks to the value of getting along with Durkee and the threat from Rodzik regarding the State Police coming to interview him.

D. Reed asks when the lights will be on. Rodzik notes that Consumers is busy due to the storm damage they are dealing with. Karen Bailey asks why they were turned off in the first place. Rodzik responds and notes the discussion with Council. Ward notes that he was aware of the issue at the second meeting covering this and there were very few residents at the meetings. Greg Mead speaks to being part of the original discussion board but it was never followed up with him and wonders why he wasn't contacted. Rodzik does not know. DeWit Card speaks to the disrespectful nature of Council. Josh Raynor thanks Council for the donation to the NCSF. Nan Licktieg asks Rodzik why he ran for Village President. Rodzik responds by stating that the three priorities he had were the ? Mark Bldg., Blight & Junk, lowering property taxes and the sewer rates, all of which were accomplished. Nan continues to express concern about the President's concern for the Village. Yvonne Meade makes critical statement to the President suggesting that his priority should be to his son and family. ("emergency" call answered by Rodzik) Rodzik notes that there is no healing in the community because all he sees is anger and bitterness and his desire to move forward. Susan Leone makes statement about healing would require getting the President out of office. J. Lynch Jones speaks to: compensation being covered under Ordinance 30 and Council has the authority to set the rates, any changes need to be addressed in the Ordinance; Pro-tem duties also covered under the Charter which states that in the absence of the President, the Pro-tem will assume those duties; prior decisions regarding the HazMat pool and that organization being experts. Jones also makes mention about donating to the fireworks display being a questionable expenditure. Clerk speaks to

calling the auditor and accountant about the donation and was informed that the donation could be considered as being for the public good. Doug Corner speaks to the lack of leadership of the President. Durkee makes requests of the residents to not be interrupted while doing his job to discuss the Village business. Fast thanks the Sherriff's department for coming. Adele Maher comments that she thinks it would be fun to have a "de-vine Honor" day to clear the vines from the trees and poles.

XIII. Correspondence-D.Pendegast P.Vertucci- letters reviewed. No comments

Schetteck motions to adjourn, Rodzik seconds... Motion passes 5/0. Meeting adjourned at 8:35p.m.

Respectfully submitted by Laura Ward, Clerk 8/18/15
