



# Village Of New Haven

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Council Meeting Minutes  
January 13, 2015  
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Revise-1

## Council Meeting Minutes January 13, 2015

### I. Call to Order/Prayer/Pledge of Allegiance to the Flag/Roll Call:

The meeting was called to order at 7:05 pm, Prayer, by Clerk Mack; President Dilbert led the pledge of allegiance, Council Members in Attendance:

Trustees:

Debra Hill  
Kevin Chandler  
Brett Harris  
Terry Tidwell  
Daniel VanDeKerkhove

Absent: Ann Pridemore-w/notice

Attorney: Thomas Esordi

Also Attending:

President Chris Dilbert  
Clerk Deborah Mack  
Treasurer Rachel Whisett

### II. Approval of Agenda;

Motion: Trustee VanDeKerkhove

I make a motion to accept the agenda as amended Approval of Minutes (add) September 25, October 1, and October 14, 2014 minutes discussion only.

Unfinished Business-(add) item #c General Code, item #d-Resolution for Building and Zoning fee schedules, Clerks Items (add) #c Set Public Hearing for 2015/2016 Proposed Budget, change item #b from Master Recreation Plan to, Village Master Plan, Treasurer Items (add) #b-Payroll.

Second: Trustee Chandler

Vote: roll call, all ayes, motion carried.

### III. Public comments on Agenda items: None

\*\* Holiday Contest Winners –Commercial- Joe Ballor Towing  
Residential –Bob, Cheryl and Drew Leplow.

IV. Public Hearing-None

V. Approval of Minutes-September 25, October 1, & October 14, 2014, discussion only-Trustee VanDeKerkhove.

a) October 27, 2014, Special Council Minutes

Motion: Trustee Harris

I make a motion to accept the October 27, 2014 with the change of  
“For the Record” comment, as presented.

Second: failed-lack of support

b) October 27, 2014 Special Council Minutes

Motion: Trustee VanDeKerkhove

I make a motion to accept the October 27, 2014 special meeting minutes  
as presented with the omission of the comment, moved from in  
between the second and the vote per council request.

Second: Trustee Hill

Vote: 2 ayes, 4 nays, motion failed.

President Dilbert stated the minutes will be accepted as unapproved.

c) December 9, 2014 Council Meeting Minutes

Motion: Trustee Chandler

I make a motion to approve the December 9, 2015 Council Meeting  
Minutes.

Second: Trustee VanDeKerkhove

Vote: roll call 3 ayes, 3 nays, motion failed

December 9, 2014 Council Minutes

Motion: Trustee VanDeKerkhove

I make a motion accept to the December 9, 2014 minutes as presented  
with the changing of the last sentence in President’s Items #c Robert

Half payments, discussion only; 'President Dilbert supplied council with several years of tax collections from the Village and the County which President Dilbert interpreted as making the Village whole', and also for the additional mention of the Village having received 4 bids in response to the accounting RFP, but having the President believed that 2 of them had not been properly time stamped and possibly compromised, the bids were scrapped."

Second: Trustee Hill

Vote: roll call 5 ayes, 1-nay, motion carried.

d) December 23, 2014 Special Council Minutes

Motion: Trustee Chandler

I make a motion to approve the December 23, 2014 special council minutes as presented.

Second: Trustee Harris

Vote: roll call 4 ayes, 2 abstain, motion carried

"Trustee VanDeKerkhove commented on September 25, October 1, and October 14, 2014 minutes. (add) expressing his concerns that the copies of such minutes made available for public viewing on the Village's website did not accurately reflect changes and corrections as brought forth and voted on by council in subsequent meetings."

V. Consent Agenda - action (Motion to accept consent agenda as presented)

- a. Fire Department Report
- b. DPW Monthly Report
- c. Building Department Report
- d. Planning Commission
- e. Water Report
- f. Health & Nuisance Report
- g. Clerk's Report

December Check Register Totals= \$305,833.67, president approval \$234,759.83  
Payroll & Expenses \$50,536.00+10,979.78=\$61,515.78, Grand Total -\$296,275.61.

Motion: Trustee Chandler

I make a motion to approve the consent agenda moving Item #d- Planning to New Business, item# h.

Second: Trustee VanDeKerkhove

Vote: all ayes, motion carried.

VI. President's Items:

a) Resolution-M.C. General Road Maintenance

Motion: Trustee Chandler

I make a motion to approve the Resolution No. 15-0001.

Second: Trustee VanDeKerkhove

Vote: roll call, all ayes, motion carried.

Motion: Trustee Hill

I make a motion that the resolution be posted and sent to the Voice newspaper no later than January 21, 2015 and notification is sent to the President of such.

Second: Trustee VanDeKerkhove

Vote: no vote taken.

b) Attorney Appointment-action requested

President Dilbert appointed Tom Esordi, from O'Reilly Rancilio as Village Attorney.

Motion: Trustee Harris

I move that we appoint Tom Esordi from O'Reilly Rancilio as Village Attorney.

Second: Trustee Chandler

Trustee VanDeKerkhove "For the Record Comment" "Michigan Codified Law, section 62.2 of The General Law Village Act (Act 3of 1895) and Village Ordinance #316 both require council approval for presidential nominations for such appointed positions as Village Attorney, barring any emergency situations. Further, that on December 9, 2014 President Dilbert unilaterally appointed without seeking council approval by means of a vote-our Village Legal Representation/Attorney, and that he did so without mention of the appointment being either temporary or under any emergency circumstances."

Vote: roll call 4 ayes, 2 nay- motion carried

c) Planning Commission Appointments-action requested

Motion: Trustee Harris

I make a motion that we re-appoint Bill Musilli and Genevieve Rodzik to the Planning Commission.

Second: Trustee Chandler

Vote: roll call 5 ayes, 1 nay, motion carried.

d) Housing Commission Appointments-action requested

Motion: Trustee Harris

I make a motion to re-appoint Carol Pacey and Frank Lee to the Housing Commission.

Second: Trustee Tidwell

Vote: roll call, all ayes, motion carried.

President Dilbert requested that an ad is placed in the paper for 3 ZBA members and 1 Planning Commissioner.

e) Delinquent Water Bills/action requested

President Dilbert recommended that April 1, 2015 be the drop dead date for water payments. Anyone that remains delinquent pass that date the Ordinance requires that we place the delinquent amount on taxes.

Motion: Trustee VanDeKerkhove

I motion to accept April 1, 2015 as the drop dead date for water bill payments as presented by President Dilbert.

Second: Trustee Harris

Vote: roll call, all ayes, motion carried.

f) Village Manager/discussion only-no action

VIII. Attorney Items:

a) Proposed Ordinance Review-no action

b) Prosecution Warrants

Attorney Esordi informed council that the Macomb County Sheriff Department advised him since May, 2014 there haven't been any warrants issued by the Village and no revenue collected on warrants, currently there are 42 warrants waiting to be processed.

c) Gratiot & 26 Mile Sewer Update/action requested

Motion: Trustee VanDeKerkhove

I make a motion to grant Attorney Esordi the authority to speak to both companies regarding the Gratiot & 26 mile sewer interceptor.

Second: Trustee Chandler

Vote: 5 ayes, 1 nay, motion carried

Attorney Esordi informed council that ZBA ordinance does allow for council members to seat on the ZBA commission. It is not uncommon in small committee to have either one council member or the entire board to be a part of the ZBA. Attorney Esordi recommends that ZBA be kept as a separate board from council.

IX.- Approval of Payment of Bills to be Paid-discussion/action

Motion: Trustee Harris

I make a motion to pay the professional bills in the amount of \$9,461.17 for December and \$87,856.69, for January, 2015 totaling \$97,317.86.

Second: Trustee Chandler

Vote: roll call, 5 ayes, 1 nay, motion carried.

X. Clerk's Items:

- a) Agenda Items for February 10, 2015, will be due by February 3, 2014
- b) Set Public Hearing for February 10, 2015 at 6:00pm Village Master Plan

Motion: Trustee Harris

I move that we set a Public Hearing for February 10, 2015 for the Village Master Plan at 6:00pm.

Second: Trustee Chandler

Vote: all ayes, motion carried.

- c) (add) Set Public Hearing for February 10, 2015, at 6:30pm-2015/2016 Proposed Budget

Motion: Trustee Harris

I move that we set a Public Hearing for February 10, 2015 for the 2015/2016 Proposed Budget at approximate 6:30pm.

Second: Trustee Chandler

Vote: all ayes, motion carried

XI. Treasurers Report on Finances-discussion/action

- a) Treasurers Report-Treasurer Whitsett reviewed the Treasurer's report as presented.

Motion: Trustee Harris

I motion to receive and file the Treasurer's report as of 12/31/2014 in the amount of \$3,616,846.98 as presented.

Second: Trustee VanDeKerkhove

Vote: all ayes, motion carried.

- b) (add) Payroll

President Dilbert stated he would bring weekly pay back before Council for approval.

XII. Unfinished Business:

- a) Trustee VanDeKerkhove-Municipal Civil Infraction Ordinance/Violation Form

Motion: Trustee Hill

I make a motion to adopt the Municipal Civil Infraction Ordinance as presented by Trustee VanDeKerkhove.

Second: Trustee Chandler

Vote: roll call, 5 ayes, 1 nay, motion carried.

Motion: Trustee Hill

I make a motion that the ordinance be submitted to the Voice for publication by January 21, 2015 with changes.

Second: lack of support

Motion: Trustee Chandler

I make a motion that the effective date of the ordinance is twenty days after the date it is posted in the newspaper.

Second: Trustee VanDeKerkhove

Vote: roll call, 5 ayes, 1 nay, motion carried.

- b) Trustee VanDeKerkhove-BS&A Software Purchase/Implementation-moved to Attorney Items #a.

c) (add) Trustee VanDeKerkhove-General Code

Motion: Trustee VanDeKerkhove

I make a motion that council approves spending \$880.00 as applicable to change order #2 as presented by General Code.

Second: Trustee Chandler

Vote: roll call, all ayes, motion carried.

d) (add) Trustee VanDeKerkhove-Resolution to revise Building and Zoning Fee Schedule

Motion: Trustee Harris

I make a motion that we table the Resolution until further review and bring it back to the February meeting.

Second: Trustee Tidwell

Vote: all ayes, motion carried.

XIII. New Business

- a) Dan Kress-Scrap Metal Yard-no action taken
- b) Belinda Walton-Water Bill-no show
- c) Trustee Harris-Council Members Emailing-Open Meeting Act

Trustee Harris requested written legal opinion on emails between council members; he believes it a violation of the open meetings act.

- d) Trustee Harris-Village Own Property

Suggestions for sale of Village own Property and sale of equipment in the DPW yard.

- e) Trustee Harris-Water Billing-question answered
- f) Trustee Harris-Parliamentary Procedure Training-discussion/action

Motion: Trustee Tidwell

I motion that we ask Coco to come out for a Parliamentary Procedure Training class to be held February 28, 2015 from 9:00am to Noon, at a cost of \$700.00 plus traveling expenses and \$100.00 for food.

Second: Trustee Chandler

Vote: roll call, all ayes, motion carried.

- g) (add) Move from Consent Agenda-Planning



Trustee Harris handed out a schedule for the Recreation Plan.

- XIV. Call from the Floor: G. Drake
- XV. Call from the Table: Attorney Esordi
- XVI. Adjournment:

Motion: Harris

I make a motion to adjourn the meeting at 9:50 pm.

Second: Trustee Chandler

Vote: All ayes, motion carried

Respectfully submitted,

Deborah Mack, Clerk  
Village Of New Haven  
Access date: 2/12/2015 3:35 PM

Approved As Amended