

Newberry Village Council  
Regular Meeting Minutes  
September 17, 2019  
302 East McMillan Ave.  
6:00 p.m.

**Present:** President Stokes, Trustees: Dishaw, Freese, Hardenbrook, Hendrickson, Hitts.

**Absent:** Brown. She had an out of town appointment.

**Also Present:** Ordinance Enforcement Officer – Fossitt, Superintendent of WWTP – Blakely, Clerk – Schummer, Treasurer – Medelis, Chuck Pipes, Steve Stiffler, Sterling McGinn, Scott Ouellette, Tina Pipes, Eric Buckler, Rebecca Handa, Robert Stevens, John Bergman, Susan Bergman, Paul List, Mike Schnorr, Larry Vincent, Attorney Wendling.

**Call to Order:** President Stokes called the meeting to order at 6:00 p.m. at the Village of Newberry Administration Building. The Pledge of Allegiance was recited.

**Approval of Agenda:** Moved by Hardenbrook, support by Freese, **CARRIED**, to approve the agenda as presented. Ayes: All. Absent: Brown.

**Minutes:** Moved by Hendrickson, support by Freese, **CARRIED**, to approve the minutes from the August 20, 2019 Regular Session as written with two corrections –1<sup>st</sup> correction - Under Minutes: Last line – read - Absent: Brown, Hendrickson, Hitts. Now reads - Absent: Brown, Hardenbrook, Hitts. 2<sup>nd</sup> correction: page two: Under Hitts arrives at 6:29 p.m. Read - Absent Brown, Hendrickson. Now reads – Absent: Brown, Hardenbrook. Ayes: Stokes, Dishaw, Freese, Hendrickson, Hitts. Abstain: Hardenbrook (not present at 9/20/19 meeting). Absent: Brown. Moved by Freese, support by Hardenbrook, **CARRIED**, to approve the minutes from the August 28, 2019 Village Council – Special Session, with one correction: the heading read: Special Session – Regarding Rules of Procedure for Village Council Meetings. Now reads: Special Session – Regarding Finding of Attorney Wendling. Ayes: All. Absent: Brown.

**Village President’s Announcements:** None.

**Public Comments on Agenda Items:** Comment heard from: Eric Buckler, Scott Ouellette.

**Submission of Bills and Financial Updates:**

- 1.) Village of Newberry – Monthly Bills. Moved by Hendrickson, support by Freese, **CARRIED**, to approve the August 2019 bills, in the amount of \$76,357.55. Discussion followed. Roll call vote - Ayes: Stokes, Dishaw, Freese, Hardenbrook, Hendrickson, Hitts. Absent: Brown
- 2.) Water & Light monthly bills for August 2019: Moved by Freese, support by Hendrickson, **CARRIED**, to accept the recommendation of the W&L Board to pay the August Electric and Water Funds in the total amount of \$105,646.25. Roll call vote - Ayes: Stokes, Dishaw, Freese, Hardenbrook, Hendrickson, Hitts. Absent: Brown.
- 3.) Christmas Lights Fund – as of 08/31/2019 - \$12,776.89.
- 4.) Treasurer’s Report – July 2019 – Medelis gave a verbal report. Discussion followed. Council accepted the report as presented.
- 5.) Request for Disbursement of Funds – Stormwater/Asset Management/Wastewater (SAW) Grant Program, pay when paid: Moved by Hardenbrook, support by Freese, **CARRIED**, to pay Request #15 – August 1, 2019 to August 31, 2019 – Total: \$2,083.94. C2AE invoice #68582: \$1,801.36, C2AE invoice #68583: \$282.58. Roll call vote - Ayes: Stokes, Dishaw, Freese, Hardenbrook, Hendrickson, Hitts. Absent: Brown.

**Petitions and Communications:**

- 1.) Flyer from the Newberry Area Chamber of Commerce, regarding the 2019 Legislative Luncheon, to be held October 4, 2019.

**Introduction and Adoption of Ordinances and Resolutions:**

- 1.) Resolution:
  - a. Require by State of Michigan every 5 years to process payments. Moved by Dishaw, support by Hardenbrook, **CARRIED**, to pass the 2019 State Trunkline Maintenance on Behalf of Michigan Department of Transportation Resolution. Discussion followed. Roll call vote – Ayes: Stokes, Dishaw, Freese, Hardenbrook, Hendrickson, Hitts. Absent: Brown.
- 2.) Resolution: Revising Signatory for all Village Bank Accounts. Moved by Freese, support by Hendrickson, **CARRIED**, to table resolution in order to obtain information. Discussion followed. Ayes: Stokes, Dishaw, Freese, Hardenbrook, Hendrickson, Hitts. Absent: Brown.
- 3.) Ordinance: Prohibition of Marihuana Establishments in the Village of Newberry.
  - a. Planning Commission recommendation to add a sunset provision of 1-year from date of adoption. Moved by Dishaw, support by Hardenbrook, **CARRIED**, to table until the Ordinance Committee has a chance to review it. Ayes: All. Absent: Brown.

**Unfinished Business:** None.

**New Business:**

- 1.) Steven H. Schwartz, Keller Thoma – Proposal: Moved by Hardenbrook, support, by Freese, **CARRIED**, to approve the contract presented, and hire Attorney Schwartz, as the Village labor council. Discussion followed. Roll call vote – Ayes: Stokes, Dishaw, Freese, Hardenbrook, Hendrickson. Nays: Hitts. Absent: Brown.
- 2.) Budget Amendments – General, Major Streets, Local Streets, Electric, Sewer, Water Funds: Moved by Freese, support by Hardenbrook, **CARRIED**, to table amendment until the next meeting until someone from administration is present to answer questions. Discussion followed. Ayes: Stokes, Dishaw, Freese, Hardenbrook, Hitts. Nay: Hendrickson. Absent: Brown.
- 3.) Newberry Fire Department & Columbus Township Fire Department Mutual Aid Agreement: Moved by Dishaw, support by Hardenbrook, **CARRIED**, to table until the Fire Advisory Committee reviews the agreement. Discussion followed. Ayes: All. Absent: Brown.
- 4.) Audit Completion: No information. Discussed how to get the information.
- 5.) Consent Agenda: Council will consider this in the future.
- 6.) AT&T Pole Rental: No new information.
- 7.) Advertising for Letters of Interest for WL Board
  - a. One At-Large Elector position eligible: Term November 1, 2019 – October 31, 2022: Moved by Hendrickson, support by Freese, **CARRIED**, to advertise for the W&L Board position. Ayes: Stokes, Dishaw, Freese, Hendrickson, Hitts. Abstain: Hardenbrook, due to conflict of interest. Absent: Brown.
- 8.) Budget Preparation for 2020: No information.
- 9.) Wendling Report/Schwartz Report: Attorney Wendling stated that he had received an email from Village Attorney Jocks, just prior to the beginning of the meeting, stating that the Village Manager was resigning. The Council had not been aware of this prior to attorney Wendling's statement. Discussion followed regarding release of the reports.
- 10.) Confidential Legal Memo from Village Attorney – Possible Closed Session: The memo was not received.

**Reports of Boards:**

- 1.) Water & Light Board Meeting from Tuesday, September 10, 2019: Minutes provided. Discussion followed.

- 2.) Planning Commission Meeting: Minutes provided from August 26, 2019 meeting.
  - a. Request for \$2,700 be added to 2020 budget for professional and contractual services to be used for zoning. Chairman Vincent explained the \$2,700 request. Discussion followed.

**Committee Reports:**

- 1.) 41 Lumber Ad Hoc Committee: Meeting minutes were presented and Chairman Dishaw gave a verbal report. Discussion followed. Moved by Hardenbrook, support by Freese, **CARRIED**, that Chairperson of the 41 Lumber Ad Hoc Committee, Harold Dishaw, would be the contact person with the insurance company. Ayes: All. Absent: Brown.
- 2.) Management Committee: Council agreed, as suggested by the Management Committee, to put a podium in the meeting room. The Historical Society donated the podium.
  - a. Code of Conduct for Elected Officials – Committee requests approval: Moved by Freese, support by Hitts, **CARRIED**, to table approval of Code of Conduct till the next meeting. Ayes: All. Absent: Brown.
- 3.)

**Reports of Village Officers and Management:**

- A.) Fire Chief: Fire Chief Wendt submitted a written report.
- B.) Ordinance Enforcement Officer: Fossitt gave a verbal report.
- C.) Director of Human Resources & Community Engagement: None. Director Watkins is on leave.
  - a. FOIA Status Report: None.
- D.) Superintendent of Wastewater Treatment Plant: Blakely gave a verbal as well as a written report.
- E.) Superintendent of Water & Light: Joe Lively – Working Foreman, submitted a written report.
- F.) Assistant Village Manager: A DPW report was also submitted.
- G.) Superintendent of Parks and Recreation: None.
- H.) Village Manager: None.

**Public Comment:** Comment heard from: Paul List, Eric Buckler, Charles Medelis, Mike Schnorr, Chuck Pipes, Larry Vincent, Scott Ouellette, Steve Stiffler, Tina Pipes, George Blakely.

**Comments by Council Members:** Comments heard from Hitts, Dishaw and Stokes.

**Adjourn Meeting:** Moved by Hardenbrook, support by Hitts, **CARRIED**, to adjourn the meeting at 8:02 p.m. Ayes: All. Absent: Brown.

These minutes are unofficial until voted on at the next meeting.

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Terese Schummer, Clerk

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Lori A. Stokes, Village President