

President Christopher McCann called the meeting to order at 7:00 P.M.

Roll Call:

Council Members Present: President McCann Trustees: Cook, Gale, Harper, Peterson, Cavendish and Ager.

Absent Members: None

Staff Present: DPW Superintendent- Chris Holton, Clerk/Zoning Administrator-Scott, Community Liaison/Treasurer/Deputy Clerk-Edmondson, and Harbor Master- Bill Rosemurgy

CLOSED SESSION:

President McCann Moved, Supported by Trustee Ager pursuant to section 8(h) of the Open Meetings Act (MCL 15.268(1)(h)), to adjourn for the purpose of moving into closed session, for the purpose of limited discussion over the plat amendment with attorney David Beiganowski. Roll Call Vote: Yeas (7) Nays (0) Motion Carried.

The Closed Session began at 7:07 pm and ended at 7:56 pm.

Approval of Meeting Minutes:

Trustee Gale **Moved, Supported by** Trustee Cavendish to approve the March 9, 2023 meeting minutes as amended. **Motion Carried.**

Trustee Cook **Moved, Supported by** Trustee Gale to approve the March 29, 2023 special meeting minutes as presented. **Motion Carried.**

Approval of Agenda (amendments/additions):

None

2021-22 Financial Audit Review, Mary Krantz, Dennis, Gartland, Niergarth:

Mary Krantz, CPA with Dennis, Gartland, Niergarth reviewed the 2021-22 Financial Audit with the Board. The report was clean. The Board discussed additional control options for the staff.

Correspondence:

David Brigham- Correspondence on Northport Creek
John Mitchell- Veterans Memorial, Storm Warning Tower
Yarrow Brown- Housing Needs Assessment
Gregory Nobles- Second Street Replat

Trustee Cavendish reported that she had received correspondence and hadn't forward it but it was all about a grant opportunity for from Consumers Energy Foundation and the deadline for this one had passed but they do it every year and it's up to \$25,000 and a lot of different projects apply. Cavendish said that she planned put it in infrastructure Dropbox and discuss at their next meeting.

Public Comment:

Campbell McLeod- Commented on the sewer project, REUs, Fishing Derby and the cost of the sewer to the users.

Greg Nobles- Commented on the 2nd Street Replating project, and asked the Council to drop the lawsuit.

Reports:

President McCann said that in essence of time, we have our reports and unless anybody has any objections all the reports were posted and the Council could just move past them, unless people had specific questions, that could be asked quickly.

Questions on Staff Reports:

Trustee Cavendish stated that she had a couple of questions with the Community Liaison report. One, there is some errors on the website that was pointed out to her by the public that Trustee Peterson and her email addresses were incorrect in multiple spots. Trustee Cavendish also questioned the new village hall sign that is up and when did that get approved for payment?

Trustee Gale responded that the sign was donated.

Trustee Ager asked DPW Superintendent Chris Holton to describe what happened with the dam at the Mill Pond.

Trustee Holton reported that the Village had received a violation notice from Robyn Schmit with EGLE. Holton explained that he was preparing a response to series of questions in the Violation notice regarding the drawdown of the pond.

Trustee Cavendish had several questions over the Bill Sheet that was answered by Clerk Scott.

Ongoing Business:

A. Plat Amendment:

Clerk Scott provided a list of bills for approval as follows; JFK Land Surveying - \$880 and David Bieganowski- \$3,078.60.

Trustee Harper **Moved, Supported by** Trustee Cavendish to withdraw from the replat lawsuit as soon as prudently possible. **Discussion:**

Trustee Gale stated that the Village had received advice from licensed professionals that she relied on and that now the Village was taking In direction from people who don't have the same training, licensure expertise. Gale reminded everyone to think carefully before making a final decision. Gale said that she did not like throwing away money, but was not certain that that the Council will be making an unreasonable decision when we hired people to do this work.

Trustee Harper stated that he would like to hear from some of the Trustees that are going to vote to continue the lawsuit. Harper asked those Trustees to articulate the benefit that the village is going to get from the Plat Amendment process because he could see none and that he had made this point over and over and over again. Harper said that using this lawsuit to settle the dispute with Karl Wizinsky is the wrong way to go and that the Village had advice from two village attorneys prior, that have advised the village to use a different legal tactic than what is being employed. Harper explained that as a matter of fact, and not in his legal opinion that Mr. Bieganowski has never tried a case like this in his entire career and that John Korr had never testified in a case like this and his entire career. Harper said that by continuing the replat process the council would be rolling the dice with taxpayers' money and that no landowner had asked for it.

Harper finished with that the village has a 20-foot-wide road that is paved, that is legally ours. If Karl thinks otherwise. Let him take us to court. We do not need to do this.

Trustee Cavendish pointed out that if the current bills for the replat are approved, then the Village will have spent \$50,734.

Trustee Cook said that regardless of the way he voted tonight, he just wanted to be known that he didn't appreciate long texts that said if he didn't join the yes group, it will affect my legacy.

Trustee Ager said that she doesn't like being told that she was "conned" which suggests that people were malicious and malevolent and how to out to get money or do something to gain power. Ager said that she did not like hearing that, because she does not believe it. Ager said that she did not like being in Trustee Harpers camp. But that she had changed her mind tonight and decided to vote "no" to drop the drop the case. Ager said that she had pressed today the attorney, and that she had been pressing people to say what do we gain from this? Why don't we gain from this? To her surprise, she is going to vote with Trustee Harper, but that she did not enjoy it.

Roll Call Vote: Yeas (7) Nays (0) **Motion Carried.**

Trustee Gale Moved, Supported by Trustee Ager to pay the current bills for the replat in the amount of \$3,850.60. **Roll Call Vote:** Yeas (4) President McCann, Trustees Cook, Gale and Ager.

Nays (3) Trustees Harper, Cavendish and Peterson. **Motion Carried.**

Discussion Items:

A. Fee Schedule:

The Council reviewed the proposed fee schedule that the Finance Committee has been working on. Trustee Harper would like no fee for Street Closures. The Council will take action on the Fee Schedule at their next regular meeting.

B. Planning Commission Appointments:

The Village Council had a discussion about the vacant seats on the Planning Commission and agreed to advertise by adding the notice to the Village website and Trustee Ager agreed to place a notice on Northport Neighbors. Trustee Harper expressed his concerns for keeping Trustee Cavendish on the Board. The Council agreed that two Village residents would need to be appointed for Cavendish's appointment to continue.

C. NLTUA Appointments:

Trustee Harper explained that Village and Townships joint NLTUA Board member Tim Overdier's time on the Board is up, and that he has volunteered to be on the Board and that President McCann has agreed to appoint him.

President McCann **Moved, Supported by** Trustee Ager to appoint William Harper to the NLTUA Board as the joint Village/Township member. Discussion: Trustee Gale said that it sounded like the appointment had been arranged and therefore no need to discuss. **Roll Call Vote:** Yeas (6) Nays (0) Abstained (1). **Motion Carried.**

D. Procedural review of bill paying process:

Trustee Harper raised concerns with the Bill paying process for the Village after the bills have been paid. Trustee Cavendish reported that she had done some research on the bill paying process and agreed that there may be a better way to proceed. The Council agreed to let the Finance Committee discuss the procedure and make a recommendation.

E. Village Social District:

President McCann explained that he met with business owners Daniel Caudill and Dave Kwiatowski about establishing a social district in the village. McCann explained that a Social District would allow for local businesses to sell beer, wine and liquor and other beverages to go and people in the social district could walk around the village with those drinks in hand. McCann said that there were some restrictions on where those common areas could be and that the requirements included getting approval from the liquor control commission, adopting a resolution for the social district, creating a management and maintenance plans and setting hours.

The Council agreed to discuss the details further at their next regular meeting.

Action Items:

A. Village Manager Search Proposal:

The Village received two proposals from Michigan Leadership Institute representative Chet Janik. Proposal A.) was to assist the village with searching for a Village Manager in the amount of \$6,300 plus expenses not to exceed \$1,000. Proposal B.) was to assist the village with searching for a Village Manager and to also provide a interim Village Manager 3 days a week in the amount of \$450 per day, \$225 per half day and not to exceed \$5,500 per month for 3 months plus village related travel expenses.

Trustee Cook **Moved, Supported by** Trustee Harper to approve proposal B.
Discussion: Trustee Gale highlight that the Finance Committee did discuss and identified funds up to \$18,500 available to pay for the proposal A or B.

Roll Call Vote: Yeas (7) Nays (0) **Motion Carried.**

B. Adopt Articles of Incorporation Amendment:

Trustee Cavendish explained that she found errors with the amendment after her review of the NLTUA Articles of Incorporation amendment. Trustee Harper said that the Amendment to the NLTUA Articles of Incorporation could not be approved tonight because the appointment of the Treasurer had been omitted from the resolution. The Council agreed to placing the action item on the next Council meeting agenda.

Payment of Bills:

Trustee Ager **Moved, Supported by** Trustee Gale to approve payment of the bills for the month of February when funds become available in the amount of \$53,307.27 **Roll Call Vote:** Yeas (7) Nays (0) Absent (0) **Motion Carried**

Public Comments:

None

Council Comments:

Trustee Harper- Accept Trustee Ager's apology and said he was not offended. Harper said that he had not been a gentleman tonight either, and was probably way worse. Harper apologized to the Council and the staff.

Trustee Ager- Apologized for taking on one of the Trustees. Ager said that she was trying to explain my vote.

Trustee Cavendish- wanted to find out if it would be possible for her to have office hours, and questioned which desk she could set up at. Cavendish said she would like to set a time that she could be in the office so that the public could come and talk if they have questions.

Adjournment:

Trustee Harper Moved, Supported by Trustee Peterson to adjourn the meeting at 10:16 pm.
Motion Carried.

Several Citizens attended via zoom.

**Joni I. Scott, Village of Northport
Clerk**

