

Village of Byron
Special Council Meeting Minutes
October 21, 2014

Meeting called to order at: 6pm

Pledge of Allegiance Led By: President Pro-Tem Prestonise

Roll Call – Present: Orr, Cole Bessenbacher, Miller, and Prestonise. Absent: Burack

Approval of Agenda: Motion to Approve Agenda by Cole, Seconded by Bessenbacher. Voice Vote: All Ayes, No Nays, 1 Absent. Carried

New Business

- A. Bob Delaney-Permits: Prestonise asked who hired him. Delaney replied: from the County and serves 4 other Municipalities. Prestonise: Do you get paid a percentage. Delaney: the amounts were approved by past Council Members. Prestonise: Does a shed need a permit. Delaney: 100 square feet requires a permit, it increases property value. Prestonise: Would it be cheaper from the County. Delaney: His fee is cheaper than Count. Bessenbacher: How does one contact and who gets permit copies and payments. Delaney: The permits can be mailed to him, contact by phone (available 7 days) and 1 copy of permit goes to the requesting party, 1 to Village, and Delaney files last copy. Checks are made out to Village.
- B. Lawyer Resignation and Research New Lawyer: Motion to Accept Bridges Resignation by Bessenbacher, Seconded by Miller. Voice Vote: All Ayes, No Nays, 1 Absent. Carried. Prestonise said that Reed provided him with listing from MML of Municipal Lawyers.
- C. Hanson's Storm Drain: Prestonise explained that the drain is low and floods. Hanson would dig it up. Granger has said that it is Hanson's drain and pipe is too small. Orr said it has never flooded in his life time until recently. Prestonise asked if Miller was still on DPW Committee. Miller responded yes and that he would talk to both Granger and Hanson and would report at next Council Meeting.
- D. DPW Code Enforcement: Prestonise asked why Granger was doing Code Enforcement. Bessenbacher said to give the list to Police for follow up and to find out if cars are licensed.
- E. Frank's Property: Reed was asked to explain the problem with the 2 parcel number. Reed showed documents that showed that the 2 parcels were never converted into one and that delinquent taxes were due in the amount of \$987.62 before end of October or the amount would increase. Reed also said that she contacted Swykert to merge the parcels into one. Swykert said he would take care of it. Prestonise then asked what lot(s) McDowell purchased. Reed explained that he purchase, according to his deed, the 108 S Saginaw address. Brunell, audience member, suggested contacting Hathaway.
- F. Posting Minutes in Paper: Prestonise requested that we post the minutes in the paper and then we would not have to post elsewhere. Motion to post in paper by Bessenbacher, Seconded by Miller. Roll Call: Ayes, Orr Bessenbacher, Miller, Prestonise. Nays, Cole. 1 Absent, Carried.
- G. Any Other Agenda Items: Prestonise added H to Agenda.
- H. Display Board: Prestonise presented the list Granger gave him of Display Cases with cost and how the cost would be equal to or more than the cases listed if Granger built it. Miller motioned to purchase Display Case 60x36 for \$397.36, Bessenbacher Seconded. Roll Call: All Ayes, No Nays, 1 Absent. Carried.

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Council Comments: Prestonise asked Reed and Tykoski to explain the Consumers Power Report. Tyskoski reported that Consumers Power has overcharged us for Street Lights in the amount of \$6,954.96 and a contract needs to be signed and returned to Consumers by Reed. Motion to have Reed sign and return Consumers Power Contract, for the next year, made by Miller, Seconded by Orr. Roll Call: All Ayes, No Nays, 1 Absent. Carried.

Public Comments: Prestonise asked Attorney Christopher Johnson, from Gormley and Johnson, if he would say a few words. Johnson lives in Bancroft and the office is located in Fowlerville. His partner, John Gormely, is listed on the MML Lawyers list collective experience is 36 years doing Municipalities, as well as, experience in DDA. He also stated that they will attend meetings and set meeting fees that are different than per hour fees.

Beverly Miller, DDA and audience member read the following: Time is of the essence for the adoption of the DDA Development Plan. The public hearing date must be posted to the public no sooner than 20 days and no later than 40 days of the date of the hearing. As of 10/22/2014, which is tomorrow, it is exactly 40 days until the last date that the plan can be approved by the Council to go into effect by 12/30/2014. The plan must be approved and then have 30 days before it can go into effect, so it must be approved no later than 12/1/2014.

While the DDA understands that the Village Council has concerns about an email from Spring of 2013 pertaining to the boundaries of the DDA, it should be noted that the dates of the correspondence were prior to the second set of public notices were posted to establish a DDA. It is my understanding that Mr. Bridges recently answered the Council's questions regarding that email by stating that if there had been a legal concern, he would have notified the Council by official letter, which he did not. It is also my understanding that the Council or the Clerk opted to start the public notice process of the original DDA hearing a second time back in the spring of 2013 (after this email correspondence), so it would be clear that the process was done correctly.

With that being said, those public hearings took place and the Council voted to establish the DDA in late 2013. The DDA board was then appointed and we have worked over this past year on this DDA Development Plan, which has been presented to the Council. This Council voted on October 13 to go forward with the public hearing for this plan, but has not set a date until after your legal questions are answered about an ordinance which was already voted on by the Council in 2013 and is already in place.

As I mentioned earlier in my remarks, time is running out to get this public hearing date set. If legal questions needed to be asked about the establishment of the DDA originally, it seems to me that they should have been addressed in the Spring of 2013 if there was any concern.

We urge the Council to please continue with the progress we are trying to make, and set the public hearing date for the DDA Development Plan, before time runs out.

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Rusty Rickman declined any comments.

Meeting adjourned at : 7pm. Motioned by Bessenbacher for Adjournment at 7pm, Seconded by Miller.
Voice Vote: All Ayes, No Nays, 1 Absent. Carried.

Marsha Reed, Clerk

Date

Tony Prestonise President Pro-Tem