

**OFFICIAL MINUTES OF MAYVILLE
VILLAGE COUNCIL MEETING
AUGUST 18, 2020
(Official Minutes)**

The Village Council of Mayville, Michigan held a Regular Meeting at the Mayville District Library on August 18, 2020. The meeting was called to order at 7:00 p.m. by President Barbara Valentine, with the following officers and Trustees present: Susan Atkinson, William Barkowska, Steve Charette and Sue Marlow.

Absent – None

Employees Present – D.P.W Director Mike Glasgow, Fire Chief Hiiter and Clerk Kayla Reed

Guests – 5

Pledge of Allegiance -

Public Comments - Concerns about Ohmer Park bathrooms. D.P.W responded that people keep breaking the locks. Will lock up again tomorrow. Parks will be closed after Labor Day this year due to lack of use.

Consent Agenda –

- a) Approval of Regular Council Meeting Minutes July 21st, 2020
- b) Approval of Regular Council Meeting Minutes August 4th, 2020
- c) Approval of Bills as Presented

Moved by Charette 2nd by Atkinson to approve July 21st and August 4th Regular Meeting Minutes along with Bills as presented.

Roll Call Vote - Charette - Y Marlow - Y Barkowska - Y Atkinson - Y Valentine - Y

Motion Carried

Action Items - (Motion Needed)

- a) **Fair Housing Ordinance** - Required by MEDC for the CDBG Grant.

Moved by Marlow 2nd by Atkinson to Adopt the Fair Housing Ordinance.

VILLAGE OF MAYVILLE

COUNTY OF TUSCOLA, STATE OF MICHIGAN

ORDINANCE NO. 2020- 01

ADOPTED: AUGUST 18, 2020

EFFECTIVE: SEPTEMBER 15, 2020

FAIR HOUSING ORDINANCE

The Village of Mayville Ordains the following: An Ordinance prohibiting and making discrimination unlawful in housing and/or real property because of race, color, religion, creed, national origin, ancestry, sex, or disability in the Village of Mayville, County of Tuscola, State of Michigan; to provide a penalty for the violation of this Ordinance; to provide for Severability; to repeal all ordinances or parts of ordinances in conflict herewith; to provide an effective date; and to direct publication as required by law.

The Village of Mayville hereby ordains:

WHEREAS, the Village of Mayville, Michigan desires to assure equal opportunity to all residents regardless of race, color, religion, creed, national origin or ancestry, sex, or disability, to live in decent, sanitary, and healthful living quarters; and,

WHEREAS, the 1963 Constitution of the State of Michigan provides as follows in Const 1963, Art. I §2: “No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin.”

WHEREAS, the 1963 Constitution of the State of Michigan provides as follows in Const 1963, Art. I §4: “The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.”

WHEREAS, the 1963 Constitution of the State of Michigan provides as follows in Const 1963, Art. I §9: “Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.”

WHEREAS, the Congress of the United States has provided at 42 USC §3601: “It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.” and has established by law the following provisions:

WHEREAS, the Congress of the United States has provided at 42 USC §3604(a) that it shall be unlawful: “To refuse to sell or rent after the making of a bona fide offer, or to refuse to

negotiate for the sale or rental of, or otherwise make available or deny, a dwelling to any person because of race, color, religion, sex, or national origin.”

WHEREAS, the Congress of the United States has provided at 42 USC §3604(b) that it shall be unlawful: “To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, color, religion, sex, or national origin.”

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE OF MAYVILLE VILLAGE COUNCIL, AS FOLLOWS:

SECTION 1 - DECLARATION OF POLICY

1. In furthering the policy of the State of Michigan as expressed in its Constitution and other Laws; in order that the safety and general welfare, peace and health of all the inhabitants of the Village may be ensured, it is hereby declared the policy of the Village of Mayville, State of Michigan, to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.
2. It is the policy of the Village of Mayville that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village, or any agent of these people/entities shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.
3. Relocation shall be carried out in a manner that will promote maximum choice within the community’s total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

SECTION 2 – DEFINITIONS

Unless a different meaning clearly appears from the context, the following terms as used in this Ordinance shall have the meaning as described in this Section. Terms that are not specifically defined herein shall be given their plain and ordinary meaning.

1. DISCRIMINATE - The terms “discriminate” or “discrimination” (or any variation thereof) mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of or on

the basis of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

2. HOUSING ACCOMMODATION - The term “housing accommodation” includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.
3. REAL PROPERTY - The term “real property” means any real estate, vacant land, building, structure or housing accommodations within the geographic and/or corporate limits of the Village of Mayville, State of Michigan.
4. REAL ESTATE BROKER - The term “real estate broker” means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.
5. FINANCIAL INSTITUTION - The term “financial institution” means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.
6. OWNER – The term “owner” means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.
7. DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS - The term/phrase “Decent, sanitary, healthful standard living quarters” refers to housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

SECTION 3 - PROHIBITED ACTS

It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color,

religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the Village of Mayville, Michigan:

1. To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village or in furnishing of any facilities or services in connection therewith.
2. To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.
3. To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
4. To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.
5. To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.
6. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex,

creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

7. For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.
8. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

SECTION 4 – PENALTY

Any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than fifteen hundred dollars (\$1,500.00). Each day a violation continues shall constitute a separate violation of this Ordinance. This Section shall in no way abrogate or impair the right of the Village of Mayville, Michigan, to specifically enforce, by any legal means, any of the provisions of this Ordinance. The Village of Mayville retains all legal and equitable rights to enforce the terms of this Ordinance as permitted by law. Any person(s) or entity/entities who/which are found liable for a violation of this Ordinance shall be liable for all fees and costs incurred by the Village in the enforcement proceeding against said person(s) or entity/entities, including any attorney's fee incurred by the Village in said enforcement proceeding.

Section 5 -- Severability.

The sections and provisions of this Ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance. The Village Council hereby affirms that it would have enacted this Ordinance notwithstanding any provision hereto which may be declared inoperative or invalid.

Section 6 -- Repeal of Conflicting Ordinances.

All ordinances or any part of any ordinance in conflict with this Ordinance are hereby repealed.

Section 7 -- Effective Date

This Ordinance shall take effect 30 days from the date of its adoption and publication.

Section 8 -- Publication

The Village Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

Made and passed by the Village of Mayville, County of Tuscola, State of Michigan, at a regular meeting held on the 18th day of August, 2020, and ordered to be given publication in the manner prescribed by law.

******The signatures of the Village President and Village Clerk are contained on the following page******

VILLAGE OF MAYVILLE

By: _____

BARBARA VALENTINE, Village President

By: _____

KAYLA REED, Village Clerk

CERTIFICATION

Yeas: Barkowska, Charette, Atkinson, Marlow and Valentine

Nays: None

ORDINANCE DECLARED ADOPTED

STATE OF MICHIGAN)

COUNTY OF TUSCOLA)

I, the undersigned, Village Clerk for the Village of Mayville, Tuscola County, Michigan, do hereby certify that Ordinance No. 2020-01, adopted by the Village of Mayville Council on the 18th day of August, 2020, was recorded in full in the Minutes of the Meeting of said Village Council on said date, and was signed by the President and the Clerk of the Village of Mayville.

Dated: August 25, 2020

KAYLA REED, Village Clerk

Date of Publication: September 2, 2020

Newspaper: Mayville Monitor

Roll Call Vote - Barkowska - Y Charette - Y Atkinson - Y Marlow - Y Valentine - Y

Motion Carried

President Updates -

- a) **CDBG Grant Progress** - SHPO should be submitted next week.
- b) **Policies and Procedures Updates** - Still waiting on OMB Policies from Attorney.
- c) **Sewer and Lagoon Project Updates** - Bond anticipation note was signed on August 12th. Hoping to be out for bid by March 1st, 2020.

Department Reports -

D.P.W - Monthly report presented by the Director of Public Works Mike Glasgow.

There are 5 trees that need removed and 3 trimmed throughout town. Currently has 2 quotes, one for \$6,000 and one from Endeavor Tree Service for \$3,750. Asking for approval of up to \$5,000.

Moved by Marlow 2nd by Atkinson to Approve a contract with Endeavor Tree Service for up to \$5,000 for the removal and trimming of trees.

Roll Call Vote - Atkinson - Y Charette - Y Marlow - Y Barkowska - Y Valentine - Y

Motion Carried

Police Department Report – Monthly report by Police Chief Louis Cook.

Fire Department Report – Monthly report presented by Chief Hiiter

Zoning Report – Verbal report by Mike Glasgow

Planning Commission - Verbal report by Randy Valentine

Public Comments - None

Adjournment - Moved by Charette 2nd by Atkinson to adjourn at 7:43 p.m.

Yes - 5 No - 0

Motion Carried.

Barbara Valentine
Village President

Kayla Reed
Village Clerk