

**OFFICIAL MINUTES OF MAYVILLE  
VILLAGE COUNCIL MEETING  
NOVEMBER 22, 2022  
(Official)**

The Village Council of Mayville, Michigan held a Meeting at the Fire Hall on November 22nd, 2022. The meeting was called to order at 7:00 p.m. by Barbara Valentine, Village President, with the following officers and Trustees present: Susan Shaver, and Kelly Torrey

**Absent** - None

**Employees Present** – Zoning Administrator Bernie Milot, Police Chief Louis Cook, D.P.W Supervisor Joe Werner, D.P.W Lavern Franks, and Clerk - Kayla Reed

**Guests** – 11

**Pledge of Allegiance - Invocation** - led by Police Chief Louis Cook

**Special Presentation** - Village Attorney Adam Flory with Smith Bovill

Clarification of the November 8, 2022 Election. A letter was sent to Diana Vendittelli and the Tuscola County Clerk with regard to Vendittelli’s ineligibility to run for Village Trustee.

“ THE GENERAL LAW VILLAGE ACT (EXCERPT)  
Act 3 of 1895

62.7 Qualifications for office; void votes; “in default” defined; oath.

Sec. 7.

(1) A person shall not be elected to an office unless he or she is an elector of the village.

(2) A person in default to the village is not eligible for any office in the village. All votes in an election for or any appointment of a person in default to the village are void. As used in this subsection, "in default" means delinquent in payment of property taxes or a debt owed to the village if 1 of the following applies:

(a) The taxes remain unpaid after the last day of February in the year following the year in which they are levied, unless the taxes are the subject of an appeal.

(b) Another debt owed to the village remains unpaid 90 days after the due date, unless the debt is the subject of an administrative appeal or a contested court case.

(3) Not more than 30 days after receiving notice of his or her election or appointment, an officer of the village shall take and subscribe the oath of office prescribed by the constitution of the state and file the oath with the clerk. An officer who fails to comply with the requirements of this subsection shall be considered to have declined the office.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2705 ;-- CL 1915, 2575 ;-- CL 1929, 1485 ;-- CL 1948, 62.7 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

Compiler's Notes: In subsection (3), “the constitution of the state” evidently refers to the Constitution of 1908. See now Const. 1963, Art. XI, § 1.”

Motion by Shaver, 2nd by Torrey to Make a Finding, Affirm and Declare that Diana Vendittelli is indebted to the Village of Mayville and therefore not eligible to serve as an officer in the Village of Mayville.

**Roll call vote - Torrey - Y Shaver- Y Valentine - Y**

**Motion carried**

Motion by Shaver, 2nd by Torrey to Swear in Steve Charette as Trustee of the Village Council based upon his status as top vote getter, given that the votes cast for Diana Vendittelli are Void.

**Roll call vote - Shaver- Y Torrey - Y Valentine - Y**

**Motion carried**

**Swearing in of New Officials -**

Newly Elected Trustee (4yr Term) Rod Buhl was sworn in by Clerk Kayla Reed.  
Write-in Candidate Steve Charette was sworn as Trustee (2yr Term) by Clerk Kayla Reed.

**Public Comments** - 1 Citizen voiced an opinion regarding the ineligibility of Vendittelli as a Trustee Candidate.

**Consent Agenda -**

Motion by Torrey, 2nd by Shaver to approve Special Meeting Minutes for October 13, 2022, Joint Planning\ Council Meeting Minutes for October 18,2022, Regular Council Meeting Minutes for October 18, 2022, and Regular Council Meeting Minutes for November 1, 2022 along with Bills as presented.

**Roll call vote - Shaver- Y Charette - Y Torrey - Y Buhl - Abstain Valentine - Y**

**Motion carried**

**Action Items -**

**Tuscola County Hazard Mitigation Plan Resolution** - See Attached

Motion by Charette, 2nd by Shaver to Approve & Adopt the Tuscola County Hazard Mitigation Plan Resolution.

**Roll call vote - Buhl - Y Torrey - Y Shaver- Y Charette - Y Valentine - Y**

**Motion carried**

**Resolution for the adoption of the Tuscola County Hazard Mitigation Plan**

**Village of Mayville**

**Resolution – 22-11-22**

**Whereas:** The Village of Mayville, Michigan is vulnerable to a wide range of natural, technological, and human-related hazards, and has experienced repetitive disasters that have caused loss of life, damaged commercial, residential and public properties, displaced citizens and businesses, closed streets and presented general health and safety concerns; and

**Whereas:** Tuscola County has prepared a Tuscola County Hazard Mitigation Plan that provides an understanding of those threats, identifies the hazards affecting the area, discusses the county's vulnerability to the identified hazards, and outlines the community's options and strategies to reduce overall damage and impact from natural and technological hazards; and

**Whereas:** The Tuscola County Hazard Mitigation Plan represents the interests and needs of Village of Mayville;

**Now, therefore, be it resolved that;**

The Tuscola County Hazard Mitigation Plan is hereby adopted as an official plan of the Village of Mayville.

Motion by Charette 2<sup>nd</sup> by Shaver to Adopt the Tuscola County Hazard Mitigation Plan.

Roll Call Vote – Buhl - Y Torrey - Y Shaver- Y Charette - Y Valentine - Y

Motion Carried

Passed on the 22nd day of November, 2022

By the Mayville Village Council

Authorized Signature: Kayla Reed

Printed Name: Kayla Reed

Title: Village Clerk



ORDINANCE NO. 109

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the VILLAGE OF MAYVILLE, TUSCOLA COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF MAYVILLE ORDAINS:

SECTION 1. GRANT and TERM. The VILLAGE OF MAYVILLE, TUSCOLA COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the VILLAGE OF MAYVILLE, TUSCOLA COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Village on account of the permission herein given, Consumers shall, upon notice, defend the Village and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its gas distribution system within said Village, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide gas service to the inhabitants of the Village at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

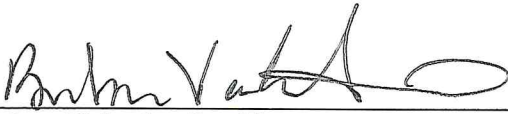
SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the Village and those rules and regulations preempt any term of any ordinance of the Village to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' gas franchise ordinance adopted by the Village including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on may 28<sup>th</sup> 2023.

We certify that the foregoing Franchise Ordinance was duly enacted by the Village Council of the VILLAGE OF MAYVILLE, TUSCOLA COUNTY, MICHIGAN, on the 22<sup>nd</sup> day of November, 2022

  
\_\_\_\_\_  
Barbara Valentine, President

Attest:

I, Kayla Reed, Clerk of the VILLAGE OF MAYVILLE, TUSCOLA COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, a gas franchise, was properly adopted by the Village Council of the VILLAGE OF MAYVILLE, TUSCOLA COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

  
\_\_\_\_\_  
Kayla Reed, Village Clerk

Dated: November 22, 2022

**Charter Franchise Agreement Renewal -**

Motion by Torrey, 2nd by Shaver to Approve the Renewal of the 10yr Franchise Agreement with Charter Spectrum and remain at 3%.

**Roll call vote - Charette - Y Shaver - Y Buhl - Y Torrey - Y Valentine - Y**

**Motion carried**

**Consumers Energy Gas Franchise Ordinance - See Attached**

Motion by Torrey, 2nd by Shaver to approve and renew the 30 year Consumers Energy Gas Franchise Ordinance NO. 109 upon expiration on May 28,2023

**Roll call vote - Torrey - Y Buhl - Y Charette - Y Shaver - Y Valentine - Y**

**Motion carried**

**President Updates -**

- a) **Sewer and Lagoon Project Updates -** Project is underway
- b) **CDBG - CloseOut** is in process

**Department Reports -**

**D.P.W** - Monthly report presented by Joe Werner.

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

**Fire Department Report** – Monthly report by Fire Chief Terry Blackmer.

**Zoning Report** – Monthly report presented by Zoning Enforcement Officer Bernie Milot

**Planning Commission** - Monthly report presented by Cec Kapcia

**Public Comments** - Randy Valentine with the BIZ (Business Improvement Zone) updated Council on the 2nd Annual Christmas in the Village Plans.

When - December 10th, 2022

Where - Downtown Fulton St.

Vendors, Food Trucks, Activities i.e Petting Zoo, Santa at Library, Photo Ops, etc.

Lighted Parade and Tree lighting.

Requested Fulton Street be Closed from Main to Turner 9:00 am - approx 7:00 pm

Volunteers will open the road.

Motion by Torrey 2nd by Charette to Close Fulton St from Main to Turner on Saturday December 10th from 9:00 am - 7:00 pm. D.P.W will close in the morning, Volunteers will open in the evening.

**Yays - 5**

**Nays - 0**

**Motion carried**

**Adjournment** – Moved by Charette, 2nd by Torrey to adjourn at 8:13 pm.

**Yays - 5 Nays – 0**

**Motion Carried**

**Meeting Adjourned.**

Kayla Reed  
Kayla Reed  
Village Clerk

Barbara Valentine  
Barbara Valentine  
Village President