

**VILLAGE OF CASSOPOLIS
REGULAR COUNCIL MEETING
December 10, 2018**

President Johnson called the regular meeting of the Cassopolis Village Council to order at 7:00 p.m.

Roll Call:

Council Members Present: Yoder, Parsons, Conner, Johnson, Williams, Sims and Wagner
Council Members Absent:

Pledge of Allegiance was given in unison.

Consent Agenda: Wagner motioned, seconded by Parsons to approve the following consent agenda:

- a. Agenda
- b. Special Meeting Minutes – November 26, 2018
- c. Approval of Invoices - \$36,374.52

Roll Call Vote:

Ayes: Parsons, Conner, Johnson, Williams, Sims, Wagner and Yoder

Nays:

Abstain:

Absent:

Motion Carried.

Public Comments on Agenda Items:

Jim Bronke expressed his opinion on the Trustee seat being filled by an employee, he doesn't believe that it follows Village guidelines.

Nancy Conner expressed her feelings regarding her grandson Mitchell Conner being on Council. She has had great dreams for him in politics and she wants him to start at the bottom and move his way up.

Vicki Vaughn, Mitchell Conner's mother, stated that the stipulations on the Village Trustee application are only that you must be 18 and live in the Village. She hopes they vote to allow him to keep his job.

Department Reports:

Clerk: See report.

Treasurer: See report.

Police/Code Enforcement: See report.

Building Inspector: See report.

Electrical Inspector: See report.

Plumbing/Mechanical Inspector: See report.

DPW Superintendent: See report.

Manager: See report.

Reports accepted as presented.

Council & Staff discussed:

- The DPW has filled the full-time positions with two seasonal workers.
- The purpose of the draft budget; it is just a projection of how things could look should we choose to move forward with the projects in the improvement plans. The Finance Committee will be involved to complete the budget for the next fiscal year.

- The potential projects for the Holden Green and Lawrence Law Office buildings that were purchased.

New Business:

A. Trustee Mitch Conner: Wagner motioned, seconded by Parsons to approve Mitchell Conner to keep his current position as a Department of Public Works employee with the Village of Cassopolis pursuant to MCL 15.182 and MCL 15.183. The Village Attorney, Nancy Mullett, discussed the legal standpoint on this issue. The Incompatible Offices Act must be read as a whole due to the exceptions. The law and the exceptions have changed over the years, so looking at case law must be done based on the most current changes. Attorney Mullett’s conclusion is Mitchell Conner can retain both positions because of the exception that the Village population is under 40,000. There may come a time when a breach of duty may occur in regards to approval of the union contract that he is a member of; but until that time, there is no breach of contract and it is not prohibited to retain both positions with Council approval. A yes decision now for this employee does not preclude a no later. Some Council members expressed their concerns with having Conner do both positions despite it not being illegal.

Roll Call Vote:

Ayes: Parsons, Johnson, Wagner
 Nays: Willims, Sims, Yoder
 Abstain: Conner
 Absent:

Motion Failed.

Attorney Mullett stated the Council has the option to have the County Prosecutor ask the Circuit Court for a declaratory judgement on the issue to confirm or refute her conclusions. Wagner asked if Conner would serve until that judgement and Attorney Mullett stated he would serve until such time. Sims motioned, seconded by Williams to request the County Prosecutor to ask the Circuit Court for a declaratory ruling on this issue.

Roll Call Vote:

Ayes: Johnson, Williams, Sims, Wagner, Yoder and Parsons
 Nays:
 Abstain: Conner
 Absent:

Motion Carried.

Discussion Items

- A. Audit Report – Derek Hall, State of Michigan: Derek Hall spoke on the audit and highlighted a few areas showing how we ended the year in each fund. We are in a good financial place due to fiscal responsibility and can move forward on projects for the Village.
- B. 2019-2020 Fiscal Budget & 20 Year Budget Projection: Village Manager Sarratore and Clerk Betty gave an overview of the budgets presented and explained the reasoning for creating a projected budget. In order to move forward with projects that have been laid out in our SAW, Water and Stormwater Asset Management Plans, the Master Plan, and Parks & Recreation Plan and the Capital Improvement Plan we need to see how they affect our bottom line and if it is possible to complete them all and be able to repay the loan that would need to be taken out. The projected budget showed that it is possible to complete these projects and leaves money available should something unexpected occur.
- C. RRC Requirements: The documents provided are some of the completed RRC (Redevelopment Ready Community) requirements. These will need to be approved by Council, along with the

updated CIP (Capital Improvement Plan) that will go before the Planning Commission before coming back to Council.

Public Comments on Non-Agenda Items:

Village Manager Sarratore discussed scheduling a meeting in December due to the Workshop day being Christmas Eve. It would be a Special Meeting on December 27 at 6:00 pm for final approval of the Master Plan pending recommendation to Council from the Planning Commission.

Ted Gogol asked a few questions about the projects that the loan would cover and if any potential additional revenue from the completion of those projects have been taken into account. He was informed by Village Manager Sarratore the neighborhood development is not included in the proposed projects and the additional revenue was not included in the projections.

Justin Smith expressed he wanted to discuss a medical marijuana facility in the Village that will increase tax revenue in the Village. Village Manager Sarratore added that he is scheduled to present to the Council during January Workshop.

Council Concerns/Ideas:

Yoder thanked the Main Street for the tree lighting event and that it was very nice.

Sims stated that the presentation of the budgets was put together very well.

Announcements:

- December Workshop Meeting Cancelled (Christmas Eve Observed)
- Next CAUA Meeting: December 17, 2018, 7:00 p.m.
- Main Street Meetings are held monthly prior to Regular Council Meetings at 5:45 p.m.

Adjournment: President Johnson declared the meeting adjourned at 9:09 p.m.

David L. Johnson, Village President

Tonia Betty, Village Clerk