**Village of Cement City**

**Council Meeting Minutes**

September 23, 2013 6:00 p.m. Village Hall Special Meeting

The special meeting of the Council was called to order at 6:00 p.m. Attendance: 12 Citizens present. Members present: James Ellis, Mel Cure, David Vescelius, and Larry Babinger attended. Bill Bendele arrived for the meeting at 6:25p.m. Attorney Fred Lucas arrived at 6:55. Chief Elwell was in attendance. Eric Wittenberg, represented the Planning Commission and Carol Ladd and Chari Cure were in attendance.

**Power of Presidency**-Vescelius suggested reviewing roles and responsibilities of the General Law Village Act. Handbooks from the Michigan Municipal League were reviewed. Vescelius is concerned with improving communication amongst councilman for better transparency of council activities. He is concerned with the hiring of a lawyer without council advisement.

Ellis described that the village is both chartered and included under the umbrella of general law. Under legal advisement, it is best case scenario. Ellis described that the powers of the president includes just about anything short of veto power. In hindsight, he stated that he should have let the council know about the timing of the hiring, but was acting on an issue that had previously been discussed.

Babinger stated that he sees no violation in the hiring of the lawyer. Based on the 2012 conversation among councilmen and a recommendation from Lucas that another lawyer would need to follow up on legal action regarding 118 Main Street, Babinger thought the need for a lawyer was common knowledge.

Ellis informed the council that training is available to councilmen and newly elected councilmen in regards to zoning ordinances and representatives roles and responsibilities, many of which Ellis has attended. Ellis stated that he never intended to violate anyone’s rights. He was abiding by the law.

Mel Cure stated that he wanted to stand behind the president who was available to the public and could speak for the village needs. Cure stated he has good faith that the president can act without being micromanaged. Cure stated that he does not believe any laws were broken. Cure stated that better communication would be better and that he would like the council to be informed on matters that may be a big expense.

Babinger read the bulleted items regarding roles of the president found in the Handbook and asked for questions or concerns.

Bendele stated that the president should do better at informing the council of happenings and asked Commissioner Elwell if commissioners seek approval of majority before acting.

Elwell stated that a lot of authority is vested in leadership and some action takes place without a vote.

Babinger continued to review subject matter and reminded councilmen that there has been talk of the need for transparency and better communication.

Attorney Lucas arrived and clarified that the Village Charter states that the president is to exercise all powers. He stated that Ellis did nothing improper but suggests bringing significant monetary expenses before the council.

Vescelius inquired about the role of the president to see that laws are enforced. He cited the dog kennel issue and asked for action. He asked Lucas if the case is moving forward. Lucas stated he was waiting for council for direction. Lucas clarified that yes, the operation of a dog kennel in the residential area is a violation. He stated that there is no basis to make it legal without a request for rezoning, a non-viable option. Vescelius asked for clarification on the county issued license. Lucas stated they are different. The county issues the license saying they can operate under county laws but those laws do not supersede village laws. It’s a matter of land use versus licensing.

When prompted to authorize legal action in regards to the zoning violation, council delayed request as item was not on the agenda. Motion made by Vescelius, second by Babinger to hold a special meeting on Monday, September 30, 2013 at 7:00 p.m. at the Village Hall to determine action on enforcement of alleged zoning violation regarding the dog kennel. All ayes, motion passed. Clerk to send letter to owners informing them of upcoming special meeting.

**Good & Welfare**

Motion made by Ellis, second by Vescelius to adjourn at 8:15. Ayes by all, motion carried.

Submitted by Carol Ladd, Clerk

Approved by James Ellis, President