

The Village of Lexington Common Council held a Public Hearing and a Regular Meeting Monday, January 27, 2020 in the Council Chambers at the Village Hall at 7227 Huron Avenue, Lexington, MI 48450.

To hear comments on the amendments to the Village General Code of Ordinances, Chapter 46, Article II, Sections, 46-31, 46-33-46-34 46-57-46-62 and Chapter 46 Article III, Sections 46-63-4677

Public Hearing Called to Order at 7:00 p.m. by President Kristen Kaatz

Public Comment: None Offered

Public Hearing Closed at 7:03 p.m.

Call to Order Regular Council Meeting at 7:03 p.m. by President Kristen Kaatz

Pledge of Allegiance led by President Kristen Kaatz

Roll call taken by Clerk Beth Grohman

Present: Ehardt, Picot, Muoio, Fulton, Jarosz, Schultz, Kaatz

Absent: None

Others present: Tatman, Irwin, Janal Mossett, Village Attorney and 26 citizens

Public comment:

Gaeten Gerville Reache – Attorney for Denise Cardaris- Comments regarding the Short Term Rental Application for 5382 Main Street and Short Term Rental at 7280 Jefferson. Comments regarding construction at 7280 Jefferson Street.

Sue Bayysh – Realtor – Comments regarding Short Term Rental Application at 5382 Main Street and 7280 Jefferson.

Denise Cardaris- Comments regarding her investments and businesses in the Village. Also commented on her involvement with events, and commented on the short term rental at 7280 Jefferson.

Anthony Peranio- Harrison Twp – Comments regarding purchase of a mobile in LNS Mobile Home Community. Commented that bluff lot purchases are put on hold.

APPROVAL OF THE AGENDA – Motion by Schultz, seconded by Ehardt, to approve the agenda as corrected.

All Ayes

Motion carried

BUSINESS

ADMINISTRATION

A. APPROVAL OF MINUTES – Motion by Picot, seconded by Schultz, to approve the minutes from the Regular Council Meeting of December 16, 2019 as presented.

All Ayes

Motion carried

B. TIMOTHY KELLER– STATE REPRESENTATIVE CANDIDATE FOR 83RD DISTRICT – Candidate for the House Representatives 83rd District. Keller stated it is his intent to continue what Representative Hernandez has done, keeping Sanilac County on the map in Lansing. Will continue with Hernandez’ traditions and ask for support for his candidacy.

C. CHAPTER 46, ARTICLE II, SECTIONS 46-31, 46-33-46-34, 46-57-46-62, PEDDLERS AND HAWKERS

– Motion by Jarosz, seconded by Fulton, to approve the amendments to the Hawkers and Peddler’s Ordinance, Article II, Sections 46-31, 46-33-46-34, 46-57-46-62 Peddler’s as presented.

Discussion

Roll Call

Ayes- Jarosz, Fulton, Ehardt, Picot, Muoio, Schultz, Kaatz

Nays- None

Motion carried

D. CHAPTER 46, ARTICLE III, SECTIONS 46-63-46-78 MOBILE FOOD VENDING – Motion by Fulton, seconded by Schultz, to approve the amendments the Peddlers and Hawkers Ordinance, Chapter 46, Article III, Sections 46-63-46-78 Mobile Food Vending

Discussion – Enforcement- Tatman responded office and police department will handle enforcement.

Roll Call

Ayes- Fulton, Schultz, Ehardt, Picot, Muoio, Jarosz, Kaatz

Nays- None

Motion carried

E. RESOLUTION 2019-08 MOBILE FOOD VENDING – Motion by Schultz, seconded by Fulton, to approve Resolution 2019-08 Mobile Food Vending as presented.

Discussion – Increase in number of mobile food Vendors allowed on private property.

Roll Call

Ayes- Schultz, Fulton, Ehardt, Picot, Muoio, Jarosz, Kaatz

Nays- None

Motion carried

F. INVOICE- KELLY LAW FIRM- Motion by Schultz, seconded by Jarosz, to approve the payment of \$2562.00 to Kelly Law Firm to be paid from the DDA (\$378), Zoning (\$1750), MHP Fund (\$196.00) and General Fund (\$248.00).

Discussion

Roll Call

Ayes- Schultz, Jarosz, Ehardt, Picot, Muoio, Fulton, Kaatz

Nays- None

Motion carried

G. CONDITIONAL LAND USE – 5382 MAIN STREET – Motion by Jarosz, seconded by Muoio, to support the decision of the Planning Commission and to deny the request for the conditional land use at 5382 Main Street.

Discussion

Jarosz – Questioned next step.

Janal Mossett- Case that went before Judge Teeple is still open and the applicant could make a request for action from the Sanilac County Circuit Court. Judge Teeple ordered give applicant the opportunity to be heard at both Planning and Council.

Kaatz- Can the applicant ask for a variance or just circuit court

Janal Mossett – Yes the applicant could request a variance or go to court.

Ehardt – Asked if all the information was available to planning commission. Recommendation to send back to Planning to review as well as our attorney.

Tatman – Information was available.

Picot stated the information was available the day of the Planning Commission meeting.

Janal Mossett – Reviewed the packet. Currently 7280 Jefferson is permitted. Not the Council’s decision to make a determination that permit was rightly or wrongfully given. Not indicating it was right but as of today, it is permitted and is within 300 ft of Cardaris property 5382 Main Street. The ordinance is clear. Planning Commission made a decision to deny and not the Council’s job to determine whether not something related to 7280 Jefferson was done correctly or incorrectly. Not taking a position on this matter today. It is not before the council today to revoke the permit for 7280 Jefferson. Judge Teeple wanted the process to play its self out.

Ehardt – Based on the opinion on our attorney I withdraw my suggestion to amend the motion.

Roll call

Ayes- Jarosz, Muoio, Ehardt, Picot, Fulton, Schultz

Nays- Kaatz

Motion carried

H. CONDITIONAL LAND USE – 6934 PECK ROAD – Motion by Fulton, seconded by Ehardt, to send back to Planning for further information.

Discussion

Tatman – Conditions recommended by Planning are being met. Landscaping and storm water runoff. Martin waiting on engineering plans and landscaping plans.

Picot- Gravel parking lot, may want to some provisions in the ordinance to accommodate gravel parking lots.

Jarosz - Council should consider allowing. Gravel parking lots were put in by the Village should address the ordinance. What is the request for?

Picot – Conditional land use for nursery and material handling business.

Roll call

Ayes – Fulton, Ehardt, Picot, Muoio, Jarosz, Schultz

Nays- None

Abstain - Kaatz

Motion carried

I. 2020 CALENDAR OF EVENTS– Motion by Schultz, seconded by Picot, to approve up to the 2020 Calendar of Events as presented.

Discussion

Roll Call

Ayes- Schultz, Picot, Ehardt, Muoio, Fulton, Jarosz, Kaatz

Nays- None

Motion carried

J. SCHEDULE MASTER PLAN WORK SESSION – Council will meet February 4th, 2020 at 5:30 p.m. for the Master Plan Update.

DDA

K. DDA RESIGNATION – Motion by Schultz, seconded by Jarosz, to accept the resignation of Kim Stencel from the DDA board with regrets.

Roll call

Ayes- Schultz, Jarosz, Ehardt, Picot, Muoio, Fulton, Kaatz

Nays- None

Motion carried

L. BOARD APPOINTMENT – Motion by Schultz, seconded by Picot, to approve the appointment of Colin Westbrook DDA Board.

Roll call

Ayes- Schultz, Picot, Ehardt, Muoio, Fulton, Jarosz, Kaatz

Nays- None

Motion carried

M. DDA BUDGET AMENDMENTS – Motion by Jarosz, seconded by Schultz, to approve the amendments to the DDA budget as presented.

Discussion

Roll call

Ayes- Jarosz, Schultz, Ehardt, Picot, Muoio, Fulton, Kaatz

Nays- None

Motion carried

MOBILE HOME PARK

N. LNS MOBILE HOME COMMUNITY RULES AND REGULATIONS – Motion by Jarosz, seconded by Schultz, to approve the LNS Mobile Home Community rules and regulations as presented.

Discussion

Roll Call

Ayes- Jarosz, Schultz, Ehardt, Picot, Muoio, Fulton, Kaatz

Nays- None

Motion carried

O. PROPOSAL FOR COASTAL ENGINEER – Motion by Jarosz, seconded by Muoio, to accept the proposal from the Coastal Engineer up to \$5500.00.

Discussion

Tatman will be asking coastal engineer to look at the water intake at Lester Street.

Roll call

Ayes- Jarosz, Muoio, Ehardt, Picot, Fulton, Schultz, Kaatz

Nays- None

Motion carried

FINANCIALS –

Motion by Schultz, seconded by Ehardt, to approve the check register in the amount of \$138,149.86 check numbers 35138 through 35223.

Roll Call

Ayes- Schultz, Ehardt, Picot, Muoio, Fulton, Jarosz, Kaatz

Nays- None

Motion carried

Reports-

Muoio –Street survey and proposal. Concerns with cave in on some of the streets

Jarosz – Questions regarding equipment to clean sidewalks

Tatman – Townley completed Pacer Study on the streets. Report will be ready for next council meeting

PUBLIC COMMENT

Kathy Parraghi – 5203 Main Street – Comments regarding snow removal of sidewalks.

Anthony Peranio – Asked for approval of his application to move in the park.

Kevin Martin –Conditional land use for 6934 Peck Road – Does have the landscaping plan and engineering on working on those and also working on the drainage plan. Just going to take a little more time

Larry Adams -7311 Lake Street - Commented on the recent big rain and residents issues with water in the basements and plans for sewer upgrade. Also commented on the water intake on Lester Street.

COUNCIL PERSONS COMMENTS

Kaatz- Comments regarding the erosion issues and is keeping in constant contact with Representative Shane Hernandez the erosion issue and Village is working on the issues at Lester Street.

ADJOURNMENT – Motion by Jarosz, seconded by Muoio, to adjourn the meeting 8: 06 p.m.

All Ayes

Motion carried

Respectfully Submitted

Beth Grohman

APPROVED