

**The Village of Lexington Common Council held a Regular Council Meeting  
Monday, January 23, 2023 in the Council Chambers at 7227 Huron Avenue,  
Lexington, MI 48450**

**Call to order the Regular Council Meeting at 7:00 p.m.** by President Kristen Kaatz

**Pledge of Allegiance** led by President Kristen Kaatz

**Roll call taken by** Clerk Vicki Scott

**Present:** Adams, Muoio, Morris, DeCoster, Kaatz

**Absent:** – Mills, Klaas

**Others present:** C. Cutright, C. Heiden, and 18 citizens

**Public Comment:** None

**APPROVAL OF AGENDA** – Motion by Morris, seconded by Adams, to approve the agenda as presented.

Discussion: DeCoster asked to have "LBA" in front of item H.

All ayes

Motion carried

**BUSINESS**

**ADMINISTRATION**

**A. EVANS EHARDT** – (County Commissioner) – The county approved the parks board to move forward and build a new a new park at Forester Park.

**B. CYNTHIA CUTRIGHT** – Cutright explained she will be giving Council oral manager reports at the beginning of each council meeting. This will insure we are following up with public comments. We want to let the public know we hear you; we are listening and will follow up appropriately. I am always available after each meeting as well. I want to address the Lexington North Shores water/sewer usage fees, which we implemented back in 2021. It took a while to get the supplies in. The water meters were all installed and operating by late December. In late December we sent out the 30 day notices to residents explaining we would be implementing the fees to being on February 1, 2023. That was pursuant to the 30-day notice required by the truth and renting act and the mobile home park policies. We sent that out in compliance of the notice. Concerns came forth from residents that the 30 day notice should have been ahead of the implementation of when we began reading the meters. They indicated we should have waited that 30 days to begin the actual reading for billing. I checked with legal counsel. The law did not speak one way or the other. The law says a change in the billing needs to be addressed with a 30-day notice. After further discussion, we have decided to wave the usage fees for this month. The water & sewer usage fees that appeared on the February statements will be adjusted off. For the residents who have already paid, this will show as a credit on their March statement.

**C. MINUTES** – Motion by Adams, seconded by Morris, to approve the minutes of the Regular Council Meeting of December 19, 2022 as presented.

All ayes

Motion carried

**D. PROPERTY AT 7219 HURON AVE. UPDATE** – Motion by Morris, seconded by Adams, to go into closed session to discuss real estate negotiations at 7:10 p.m.

Roll Call

Ayes – Morris, Adams, Muoio, DeCoster, Kaatz

Nays – None

Motion carried

Kaatz noted we will resume the regular council meeting at 7:33 p.m.

Motion by Morris, seconded by Muoio, to make an offer for the property at 7219 Huron Ave. for \$180,000.00 contingent on an appraisal.

Roll Call

Ayes – Morris, Muoio, Adams, DeCoster, Kaatz

Nays – None

Motion carried

Barnes asked for something in writing to take to the client. Cutright will provide the offer in an email to Barnes.

**E. INVOICE – FLETCHER FEALKO SHOUDY & FRANCIS, P.C.** – Motion by Morris, seconded by Adams, to approve the payment of \$2,205.00 to Fletcher Fealko Shoudy & Francis, P.C. (\$1,215.00 from the General Fund, \$315.00 from the Sewer Fund, \$225.00 from the Water Fund, and \$450.00 from Mobile Home Park Fund).

Discussion

Roll Call

Ayes- Morris, Adams, Muoio, DeCoster, Kaatz

Nays- None

Motion carried

**F. INVOICE – RISING TIDE MUNICIPAL SOLUTIONS LLC** – Motion by DeCoster, seconded by Adams, to approve the payment of \$460.00 to Rising Tide Municipal Solutions LLC General Fund.

Roll Call

Ayes- DeCoster, Adams, Muoio, Morris, Kaatz

Nays- None

Motion carried

**G. RESOLUTION #2023-01 CHECK SIGNERS** – Motion by Muoio, seconded by Kaatz, to approve Resolution 2023-01 Check Signers as presented.

Discussion

Roll Call

Ayes – Muoio, Kaatz, Adams, Morris

Nays – DeCoster

Motion carried

**H. LBA CALENDAR OF EVENTS** – Motion by Adams, seconded by Morris, to approve the calendar of events as presented.

Discussion

All Ayes

Motion carried

**I. PLANNING PROPOSED ZONING ORDINANCE AMENDMENTS** – Motion by Morris, seconded by Adams, to approve working with Adam Young on proposed zoning ordinance amendments not to exceed \$750.00.

Roll Call

Ayes- Morris, Adams, Muoio, DeCoster, Kaatz

Nays- None

Motion carried

**J. PARKS & REC APPOINTMENT** – Motion by Muoio, seconded by Morris, to approve the appointment of John McMahon to the Parks & Rec Committee.

Discussion

All Ayes

Motion carried

**K. PLANNING COMMISSION APPOINTMENT** – Motion by Morris, seconded by Kaatz, to approve the appointment of Michael Fulton to the Planning Commission.

Ayes – 4

Nays – 1

Motion carried

**L. MOORE PUBLIC LIBRARY REAPPOINTMENT** – Motion by Morris, seconded by DeCoster, to approve the appointment of Jennifer Bohs to the Moore Public Library Board.

All Ayes

Motion carried

**M. DDA BOARD MEMBER REMOVAL** – Motion by DeCoster, seconded by Adams, to remove Brian Blaesing from the DDA Board due to excessive absences.

Discussion on offering any member the option to resign versus being removed

Ayes – 4

Nays – 1

Motion carried

**N. VILLAGE TRUSTEE ABSENCES DISCUSSION** – Adams explained we currently have a trustee who has not attended any council meetings since being elected. Adams explained it is our duty to ensure we have a full council and need to address this issue. Morris explained after researching what the Village has in place, I found in Chapter 6 (Section 2 Roles and Responsibilities) that we should have rules in regards to attendance of meetings. In the policies and procedures on page 20 (Section 3.4) it talks about how we can compel the attendance of absent members. On Section 3.7 D it states all absences will be reviewed at the appropriate council meeting. Council members shall by a simple majority vote determine weather the absence is excused or unexcused. The affected member will be excluded from the voting process even if present at the review. Morris explained we did not take a vote to excuse or un-excuse anyone. I have an issue if we are not consistently enforcing rules with everyone. Discussion followed on historically if someone was not able to attend a meeting, they notified the clerk. Kaatz explained Cutright is currently working on updating our policies. Morris explained the law states (3) unexcused absences. However technically this board has not voted if the absence is excused or unexcused. Morris explained we have to follow the General Law Village Charter as well as the Village policies. Discussion followed. This issue needs to be an agenda item on each agenda after roll call is taken. Morris suggested since this is the first time, we are addressing this issue, we should have Cutright reach out and ask what the intention is of this trustee.

### **MOBILE HOME PARK**

**O. MHP LOT DEPOSIT REFUNDS** – Motion by Morris, seconded by Adams, to approve the deposit refund in the amount of \$50.00 to Margaret Ackerman (Lot #224).

Roll Call

Ayes- Morris, Adams, Muoio, DeCoster, Kaatz

Nays – None

Motion carried

**FINANCIAL REPORTS** – Motion by Morris, seconded by DeCoster, to approve the check register in the amount of \$106,400.71 check numbers 37573 through 37623 and financial reports as presented.

Roll Call

Ayes- Morris, DeCoster, Adams, Muoio, Kaatz

Nays- None

Motion carried

**REPORTS** – Muoio asked about Army Core of Engineers update. Morris asked about any upcoming Personnel meetings; Cutright explained Village Manager applications are due by February 10 and union negotiations will be starting in February.

**CORRESPONDENCE-**

- Planning Commission Annuary Report for 2022

**PUBLIC COMMENT**

- Mike McGovern (7316 Simons) – Commented on absences being preapproved or not approved vs. excused or unexcused.

**COUNCIL PERSON COMMENTS**

- None

**ADJOURNMENT**

Motion by Adams, seconded by Muoio, to adjourn the meeting at 8:22 p.m.

All ayes

Motion carried

Respectfully Submitted  
Vicki Scott, Village Clerk

Approved