

OFFICIAL MINUTES OF SPECIAL VILLAGE COUNCIL MEETING  
December 30, 2010

The Village Council of Mayville, Michigan held a Special Meeting at the fire hall on December 30, 2010. The meeting was called to order at 7:00 p.m. by Clare Fryers, Village President, with the following officers and trustees present: Ray Whitaker, Brian Stout, Sam Reece, Cecilia Kapcia, Anthony Windham, Cheryl Piche' and James Welke.

Employees Present –Donald Beavers, Adam Green

Guests Present – 13

Public Comments- John Welke addressed the council with questions regarding the water ordinance and expressed opposition to the ordinances to appoint the Treasurer and Clerk.

Ordinance No 164- Moved by Reece, supported by Stout to approve Ordinance No. 164. Trustee Reece and Trustee Stout withdrew their motion.

Public Hearing- Moved by Whitaker, supported by Kapcia to hold a Public Hearing regarding the Ordinance No. 164 Yes 7 No 0

Wanda Topham asked questions of the council regarding this ordinance. Moved by Kapcia, supported by Whitaker to close the Public Hearing Yes 7 No 0

Ordinance No. 164- Moved by Reece, supported by Stout to adopt the following Ordinance No. 164

**VILLAGE OF MAYVILLE, MICHIGAN  
ORDINANCE NO. 164**

**AN ORDINANCE TO AMEND THE VILLAGE OF MAYVILLE WATER ORDINANCE,  
NO. 74, AS ADOPTED ON NOVEMBER 11, 1980**

THE VILLAGE OF MAYVILLE HEREBY ORDAINS:

**SECTION 1. Findings.**

The presence of the arsenic compounds in potable drinking water constitutes a health hazard to the residents of the Village of Mayville, requiring the filtration and treatment of all drinking water which is produced within the Village of Mayville. In 2006, the Village of Mayville initiated a construction project whose purpose was the removal of arsenic compounds from the Village municipal water system. As part of its undertaking of the project, all premises are required to connect to and use the Village municipal water system.

**SECTION 2. Section 74-07 of Ordinance No. 74 is hereby amended by adding the following subsections:**

74.07.03. Testing. A variance may be granted only if the Applicant furnishes the Village with test results which were prepared by a licensed analytical laboratory which demonstrates that the drinking water quality from the Premises water well meets all drinking water quality standards of the State of Michigan. The water sampling source shall be verified by the Tuscola County Health Department, or its designee, or by a person who is approved by the Village of Mayville for conducting water sampling procedures.

74.07.04. Annual Water Sampling. A variance shall be granted for one year. A variance shall not be renewed unless the Applicant submits test results which comply with Section 74.07.03 and which are from a water sample which was taken within 30 days of the variance renewal application date.

74.07.05. Fees. The Village shall establish by resolution of the Village Council a variance application fee which shall be paid at the time that Application for variance or variance renewal is made. The application fee shall be subject to modification by resolution of the Village Council.

**SECTION 3.** Section 74.08, entitled Enforcement and Penalties for Failure to Comply with this Ordinance, is deleted in its entirety and shall be replaced by the following:

74.08. Enforcement and Penalties for Failure to Comply with this Ordinance.

Any person or entity which violates any of the provisions of the Village of Mayville Water Ordinance is responsible for a municipal civil infraction as defined by Michigan law and shall be subject to civil fine as determined in accordance with the Village of Mayville Civil Infraction Ordinance, Section 1-15 et seq. of the Village Code.

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Village has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day that a violation of the Ordinance continues to exist constitutes a separate violation.

**SECTION 4. Repeal**

All ordinances of the Village inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5. Invalidity**

If any section, paragraph, sentence, clause, phrase or part of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

**SECTION 6. Effective Date**

This Ordinance shall take effect 30 days from the date of its adoption and publication.

Made and passed by the Village of Mayville, County of Tuscola, State of Michigan, at a special meeting held on the 30th day of December, 2010, and ordered to be given publication in the manner prescribed by law.

VILLAGE OF MAYVILLE

By: \_\_\_\_\_  
CLARE FRYERS, Village President

By: \_\_\_\_\_  
JAMES WELKE, Village Clerk

CERTIFICATION

ADOPTED:

YEAS: Reece, Piche', Kaptcia, Stout, Whitaker, Windham, Fryers

NAYS: None

STATE OF MICHIGAN)  
COUNTY OF TUSCOLA)

I, the undersigned, Village Clerk for the Village of Mayville, Tuscola County, Michigan, do hereby certify that Ordinance No.164, adopted by the Village of Mayville Council on the 30th day of December, 2010, was recorded in full in the Minutes of Meeting of said Village Council Meeting on said date, and was signed by the Clerk of the Village of Mayville.

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
JAMES WELKE, Clerk

Public Hearing- Moved by Kaptcia, supported by Piche' to hold a Public Hearing regarding an ordinance to provide for the Appointment of the Mayville Village Clerk. Yes 7 No 0  
Several residents asked questions and expressed their opinion regarding issues. Moved by Kaptcia, supported by Whitaker to close the Public Hearing. Yes 7 No 0

Ordinance No. 165- Moved by Stout, supported by Whitaker to approve Ordinance No. 165.

## **ORDINANCE NO. 165**

### **VILLAGE OF MAYVILLE COUNTY OF TUSCOLA**

#### **An Ordinance to Provide for the Appointment of the Mayville Village Clerk**

The Village of Mayville hereby ordains:

##### ***Section 1. Establishment of office***

As authorized by section 1(3) chapter II of the 1895 PA 3, as amended, the Village Clerk shall be chosen by nomination by the Village President and appointment by a majority vote of the Village Council.

##### ***Section 2. Term of office***

The term of office of the Village Clerk shall be two years beginning the second Monday of March of each even-numbered year and until a successor is appointed. The person first appointed as Village Clerk under this ordinance shall have an initial term of office commencing as of October 1, 2011 and upon such person taking and subscribing to the oath of office and filing the same with the Village Clerk, together with the filing of any bond required by law.

##### ***Section 3. Effective date***

This ordinance shall take effect 45 days after the date of its adoption, unless a petition signed by not less than ten percent of the registered electors of the Village is filed with the acting Village Clerk or Village office within such 45 days. If a petition is filed within such period of time, this ordinance shall then take effect only upon its approval at the next general Village or Special Village election held on the question of whether the ordinance shall be approved. Notice of the delayed effect of this ordinance and the right of petition under this section shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

##### ***Section 4. Adoption***

This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the Village Council.

##### ***Section 5. Publication***

The Village Clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

##### ***Section 6. Repeal***

All ordinances of the Village inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

##### ***Section 7. Invalidity***

If any section, paragraph, sentence, clause, phrase or part of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect remaining portions of this

Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

Made and passed by the Village of Mayville, County of Tuscola, State of Michigan, at a special held meeting on the 30th day of December, 2010, and ordered to be given publication in the manner prescribed by law.

VILLAGE OF MAYVILLE

By: \_\_\_\_\_  
CLARE FRYERS, Village President

By: \_\_\_\_\_  
JAMES WELKE, Village Clerk

CERTIFICATION

ADOPTED:

YEAS: Piche', Kaptcia, Stout, Whitaker, Fryers, Windham

NAYS: Reece

STATE OF MICHIGAN)  
COUNTY OF TUSCOLA)

I, the undersigned, Village Clerk for the Village of Mayville, Tuscola County, Michigan, do hereby certify that Ordinance No.165, adopted by the Village of Mayville Council on the 30th day of December, 2010, was recorded in full in the Minutes of Meeting of said Village Council Meeting on said date, and was signed by the Clerk of the Village of Mayville.

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
JAMES WELKE, Clerk

Public Hearing- Moved by Whitaker, supported by Kaptcia to hold a Public Hearing regarding An Ordinance to Provide for the Appointment of the Mayville Village Treasurer. Yes 7 No 0  
A few questions were asked by the residents regarding this ordinance. Moved by Stout, supported by Piche', to close Public Hearing. Yes 7 No 0

Ordinance No. 166- Moved by Whitaker, supported by Stout to approve Ordinance No. 166  
**ORDINANCE NO. 166**

**VILLAGE OF MAYVILLE COUNTY OF TUSCOLA**

An Ordinance to Provide for the Appointment of the Mayville Village Treasurer

The Village of Mayville hereby ordains:

***Section 1. Establishment of office***

As authorized by section 1(3) chapter II of the 1895 PA 3, as amended, the Village Treasurer shall be chosen by nomination by the Village President and appointment by a majority vote of the Village Council.

***Section 2. Term of office***

The term of office of the Village Treasurer shall be two years beginning the second Monday of March of each even-numbered year and until a successor is appointed. The person first appointed as Village Treasurer under this ordinance shall have an initial term of office commencing as of October 1, 2011 and upon such person taking and subscribing to the oath of office and filing the same with the Village Clerk, together with the filing of any bond required by law.

***Section 3. Effective date***

This ordinance shall take effect 45 days after the date of its adoption, unless a petition signed by not less than ten percent of the registered electors of the Village is filed with the acting Village Clerk or Village office within such 45 days. If a petition is filed within such period of time, this ordinance shall then take effect only upon its approval at the next general Village or Special Village election held on the question of whether the ordinance shall be approved. Notice of the delayed effect of this ordinance and the right of petition under this section shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

***Section 4. Adoption***

This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the Village Council.

***Section 5. Publication***

The Village Clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

***Section 6. Repeal***

All ordinances of the Village inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

***Section 7. Invalidity***

If any section, paragraph, sentence, clause, phrase or part of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

Made and passed by the Village of Mayville, County of Tuscola, State of Michigan, at a special held meeting on the 30th day of December, 2010, and ordered to be given publication in the manner prescribed by law.

VILLAGE OF MAYVILLE

By: \_\_\_\_\_  
CLARE FRYERS, Village President

By: \_\_\_\_\_  
JAMES WELKE, Village Clerk

CERTIFICATION

ADOPTED:

YEAS: Kapcia, Stout, Whitaker, Windham, Piche', Fryers

NAYS: Reece

STATE OF MICHIGAN)  
COUNTY OF TUSCOLA)

I, the undersigned, Village Clerk for the Village of Mayville, Tuscola County, Michigan, do hereby certify that Ordinance No.166, adopted by the Village of Mayville Council on the 30th day of December, 2010, was recorded in full in the Minutes of Meeting of said Village Council Meeting on said date, and was signed by the Clerk of the Village of Mayville.

Dated: \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
JAMES WELKE, Clerk

Police Advisory Committee- Moved by Whitaker, supported by Kapcia to appoint the following people to the Police Advisory Committee.

- Bill Hartzell- representing the Schools
- Lee Teschendorf- representing Law Enforcement
- Randy Hotchkiss- representing the Public at Large
- Terry Balogh- representing the Churches
- Wanda Topham-representing the Senior Citizens
- Tony Windham- representing the Council
- Cheryl Piche'-representing the Council
- Reserved for Business Person-to be appointed by the Personnel Committee
- The Manager would act as staff support and a voting member of the Committee

Roll Call voted requested. Yes-Stout, Whitaker, Windham, Reece, Piche', Kapcia, Fryers. No –None

Adjournment – Moved by Stout, supported by Kapcia to adjourn at 8:00 pm. Yes 7 No 0.

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James M. Welke  
Village Clerk

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Clare Fryers  
Village President