LAKE ANGELUS CITY COUNCIL MINUTES
JANUARY 12, 2016

Present: Mayor, Patrick McNew; Councilmembers Dennis Mitchell, Rich Altherr, Joe Hilger; Police Chief, Jim Prosser; Building Official, Brian Oppmann; Attorney, Gerald Fisher; Treasurer, Julie Frakes; Road Commissioner, Karl Storrie; Environmental Board Chair, Jim Hibbard; Clerk, Rosalie Lake.
Absent: Councilmember, Dan Jenaras
Visitors: Mike and Beth Tierney, J.R. Ruthig of TR Design, Jim and Chris Cortez, Jim Howlett, Chuck and Ann Poploskie, Sharon Mitchell, Cheryl Hilger, Michelle Drake, Officer Don McLellan

Mayor McNew opened the meeting at 7 PM with the Pledge of Allegiance.
The Minutes of the meeting of December 8, 2015 were approved as submitted.

Councilmember Mitchell moved to close the City Council meeting and open the Zoning Board of Appeals. Councilmember Hilger seconded. Motion carried unanimously.
Mayor McNew introduced the ZBA meeting with the procedures to be followed.

Mike Tierney, 1200 Lake Angelus Shores, made a presentation to the ZBA, introducing his team. All of them have worked on the Lake and know the rules. He indicated that they had tried very hard to follow the City’s Ordinances, making changes as needed after the Carlisle report. They are moving the septic field to the rear of the property and it will not encroach into the right-of-way. There remains one issue, the rear yard setback for the garage. Mr. Tierney explained the Shores Road right-of-way issue west of the boat launch. There is a varying area of right-of-way, from 48’ at the Jaegers to 26’ behind his lot, that the residents do not own. His current house extends into the setback from the right-of-way. The right-of-way property has been maintained by the property owners affected, and not by the Shores Road Association. The Tierneys moved into the house in 2011. At first they planned to remodel or add on, but there was a great deal of destruction wrought upon the house by its former owner. They made repairs, but the recommendation was to tear down the house. Its foundation is 65 years old. Any demolition would have inspired a need for variance(s). Mr. Tierney indicated that they plan to build a ranch style house with a walk-out basement of 4379 sq. ft. It has a three-car garage. Even if a two-car garage were planned, it would require a variance for the setback. Neighbors who have owned these houses previously have had to have variances for the setback. Their situations were similar to the Tierneys. All of the houses sit about 50’ in from the road, which puts them in the 40’ setback area. It is a unique property situation on the Shores Road west of the boat launch that is not self-created by the residents. Mr. Tierney summarized his presentation and requested the setback variance.
A precedent has been set by variances granted to other homes with the same set of circumstances. He indicated, also, that the plan solves a drain problem between his home and the Cortez property and that nothing has been changed on the Lake side. He had removed a drain on the Lake side that had been included on previous plans.
Attorney Fisher noted that when there are two properties with similar situations, a variance cannot be given to one and not the other. He defined ‘self-created’ factors. Mr. Fisher queried whether there might be another way to give relief by modifying the Ordinance, as there was a unique feature of several properties creating the need for variances. He suggested changing the method of measuring the rear yard setback to obviate the need for a variance for these unique properties. This could be reviewed at the next Planning Commission meeting, a Public Hearing could be held, and the matter, if recommended for approval, could go to the City Council for final approval. It would be advantageous to all property owners under these circumstances. Mr. Tierney indicated that he would be happy to have a solution that included everyone. Mr. Hilger felt it was a good solution looking toward the future of variance requests. Chris Cortez asked whether the Tierneys could be given a variance and then, after a change in the Ordinance, the variance simply wouldn’t be required. Mr. Mitchell replied that it would be best not to grant a variance, but instead to amend the ordinance, if it could be enacted within 45 days. Mr. Tierney indicated that, if it could be done in 30-45 days, that would be acceptable to them. Mayor McNew wished to write something simple enough for all to understand and have it applicable to the whole City. Mr. Howlett suggested letting Mr. Fisher write the ordinance amendment and bring it to the Planning Commission, adjourning the ZBA until this is accomplished. Councilmember Mitchell moved to table the variance request until the new ordinance amendment is prepared and adopted. Councilmember Hilger seconded. Motion carried unanimously. John Hovey felt that the ZBA could grant the variance and allow the Shores Road Association to work on the issue. Mr. McNew felt it was best for the Shores Assn. to support the ordinance change. The Assn. cannot grant a variance on distance from the right-of-way. The timeline needed to be considered to be within 45 days. Mr. Fisher will write the ordinance amendment to be reviewed on January 26th by the Planning Commission. A Public Hearing will follow and a review for approval by the Council will come after that. Councilmember Mitchell moved to direct the Planning Commission to add a footnote to Ordinance 1246.07 to develop an alternate measurement of the rear yard setback as discussed at the Zoning Board of Appeals on January 12, 2016. Seconded by Councilmember Hilger. Councilmember Mitchell moved to close the Zoning Board of Appeals and reopen the City Council meeting. Second by Councilmember Altherr. Motion carried unanimously.

Building and Permits: Building Official, Brian Oppmann reported that the plans for the Prokopp residence, 295 Gray Woods Lane, will be reviewed at the January 26th Planning Commission meeting. The home has no apparent problems. The lot is heavily wooded and the Prokopps wish to maintain it that way. Their plans for access to the Lake will come at a later time. Both the Milzow and Cortez projects are moving along well.

Police Chief, Jim Prosser, gave the Department report for the month of December. He indicated that the Coast Guard provides boater safety classes and resident, Katie Williamson, is qualified and willing to teach them. The Chief will set this up.
Resident Comments: Mayor McNew reported that a resident contacted him about the Baldwin/Collier Roads project. Work appeared to have been stopped. Mr. Altherr discovered from the DEQ that the builder did not have a permit for the work. There was an article in the January 3rd Free Press about Little Free Libraries. The long time owner of Smith’s Disposal has died. A number of residents employ this service and the company has promised continued good service. Michelle Drake, President of the Women’s Club, asked permission to plant daffodils around City Hall in memory of Shirley Zemke, who, for many years, presented those that she grew in bouquets to friends in the City. The Mayor quoted an article in the Oakland Press of January 2nd regarding the most highly priced home sales in the area. It noted 935 N. Lake Angelus Road at $3.3 million.

Clerk’s Report: Kim Harper has become the Assessor for the City upon the retirement of Linda Burton. She has requested access to the City website (not to include the listserv). Councilmember Mitchell moved to grant this access to Kim Harper. Seconded by Rich Altherr. Motion carried unanimously. Attorney Fisher will consider a contract for Ms. Harper. Ms. Harper has made the City aware that poverty guidelines for taxation must be adopted. She plans to attend the February 9th Council meeting. The Board of Review meetings have been set for March 9th and 12th. These dates will be published in the ‘Angelus’ this month and noticed elsewhere now and closer to the dates. Jim Cortez felt that Mr. Altherr should be added to the Website Committee as Web Administrator as he has technical knowledge for this position. He will need help in designing a new website. Perhaps a subcommittee should be formed for this work. Ms. Lake reported that absentee applications will be sent shortly for the March 8th Presidential Primary and School Millage Elections. The content of the ballots will be printed in the ‘Angelus’ this month. Each voter must request the party’s ballot they wish to vote. This is different from usual Primary elections in Michigan. This election will be paid for by the State of Michigan. The Clerk presented the NoHaz Resolution for approval. The administrative costs will be the same or less for 2016 depending on whether new communities join the program. The per-car charges will be the same. Councilmember Hilger moved to authorize Mayor McNew to sign the NoHaz agreement with Oakland County. Councilmember Altherr seconded. Motion carried unanimously. Appointments were acknowledged for various Boards, but some needed to be confirmed. Ray Siwiec will be retiring from the Board of Review. A new Chair remains to be appointed.

Sinking Bridge Drain: Mr. Altherr had met with representatives from the Water Resources Commission. The drain culvert had been cleaned out. Another meeting is scheduled for January 25th to work to get a right-of-way through the wetlands to do cleaning. Mr. Altherr, also, is trying to get drainage design plans from Auburn Hills and the MDEQ for the condos and apartments surrounding the flooded Lake Angelus property and the Sinking Bridge Drain for review with WRC and HRC.

Property Management: Mr. Altherr presented a proposal to renew plantings on the Berm. It required the removal of 20 dead trees, the planting of 15 new ones, trimming of dead...
wood from existing trees and bushes, and watering new plantings monthly for five
months, using the City’s watering tank. He quoted a price of $15,265 for this work. Road
Commissioner, Karl Storrie, thought that the Road Commission might take out the dead
trees. He will talk with the Director of Maintenance at RCOC about this. The trees to be
removed are marked. Councilmember Mitchell moved to approve up to $15,500 for the
Berm improvement. Councilmember Hilger seconded. Motion carried unanimously.

Road Commissioner, Karl Storrie, indicated that the roads were graded before frozen.

Councilmember Mitchell moved to extend the meeting to 9:15. Councilmember Hilger
seconded. Motion carried unanimously.

Treasurer, Julie Frakes, reviewed all of the City’s funds and the month’s warrants at the
end of the second quarter of this fiscal year. The Profit and Loss target and actual
predictions were equal, except for the upcoming Fire Department payment. The City has
a $1.6 million balance as of December 31\textsuperscript{st}. The LGIP rate is .98\%. The Road funds are
building for future projects. Councilmember Mitchell moved to approve the financial
reports noting those warrants above $500. Councilmember Hilger seconded. Motion
carried unanimously.

\begin{itemize}
  \item #20536 to Billington Services for $950
  \item #20538 to HRC for $521.36
  \item #20540 to Gerald Fisher for $2295
  \item #20547 to Voyager Fleet for $395.75
  \item #20564 to OC Sheriff for $1968.67
  \item #20582 to Soft Line Wash for $600
  \item #20537 to Patrick McNew for $1650
  \item #20539 to HRC for $521.36
  \item #20542 to Code Enforcement for $1385
  \item #20548 to James Prosser for $634.70
  \item #20565 to Code Enforcement for $622.50
\end{itemize}

Mrs. Frakes noted that four summer tax parcels have not been paid and 123 of 171 winter
tax payments have been received. The Assessors Audit is being done this year in
Oakland County. Kim Harper and Linda Burton are working on providing the required
materials. A CD will mature next month. Mrs. Frakes will bring current rates to make an
investment decision. The unemployment insurance rate has gone up, but only 0.01\%.

Environmental Board: The contract from Aqua Weed appears the same as last year and
probably as the year before. The Board will make its recommendations to the February
Council meeting. Mr. Hibbard asked about the Certificate of Insurance. Mr. Mitchell
will request an updated one. Attorney Fisher will review the contract.

Mr. Fisher spoke about the Lakeshore Preservation Ordinance. It was not discussed at
the December Planning Commission meeting. The Council makes the decision on
special land use. Discussion centered on whether authority for approval be with the
Planning Commission or with the City Council. Mr. Hilger and Mr. Fisher will consult.

There being no further business, the meeting was adjourned at 9:17 PM. The next
regularly scheduled meeting will be held on February 9, 2016 at 7 PM.

Approved:     Respectfully submitted,
Patrick McNew, Mayor             Rosalie Lake, Clerk