LAKE ANGELUS CITY COUNCIL MINUTES

MARCH 15, 2016

Present: Mayor, Patrick McNew; Councilmembers Dennis Mitchell, Dan Jenaras, Rich Altherr, and Joe Hilger; Building Department Officials, John Jackson and John Lipchik; Treasurer, Julie Frakes; Police Chief, Jim Prosser; Environmental Board Chair, Jim Hibbard; Attorney, Gerald Fisher; Road Commissioner, Karl Storrie; Clerk, Rosalie Lake

Visitors: Darrel and Carol Betts, Debbie and Paul McDowell, Dick and Joyce Lund, Jim Howlett, Mike Kozemchak, Phil Robbins, Gabriel Robbins, Michele Drake, John McNew

Mayor McNew opened the meeting at 7 PM with the Pledge of Allegiance. The Minutes of the meeting of February 9, 2016 were approved as submitted.

Mr. McNew noted that Tom Howlett, son of Anne and Jim Howlett, recently had the honor to receive a 2016 Leaders In The Law award from the Michigan Lawyers Weekly. He follows our City Attorney, Gerald Fisher who was honored in 2001 and our neighbor, Mike Stefani who was honored in 2007. Congratulations, Tom.

Comments from Residents: Darrell Betts spoke about two pit bull dogs that live in the rental house on the Observatory property. The Betts live on the adjacent Kresge family property. The dogs were allowed to run loose and had killed a cat on his porch and had tried to attack him as he stood in his porch doorway. The security cameras at the Robbins home photographed the dogs at the doors of the home and all around the property. Mike Kozemchak was worried about his children. Animal control will lock up the animals for 24 hours and then they are free to owners again. Mr. Betts brought ordinances regarding animal control from Orchard Lake. Mr. Kozemchak hoped for preemptive action with an enforceable ordinance. Chief Prosser indicated that the Department had been contacted about the dogs on a number of occasions. Animal Control does not want to respond to the LAPD, but citizens can make complaints, as Carol Betts said she had on several occasions without much help. The Chief recommended a vicious dog ordinance not written specifically for any breed of dog. Mayor McNew had contacted Jim Kinsler, the owner of the rental property, but had not heard back from him. Mr. Betts said that Orchard Lake did put together a pit bull ordinance that included even part/pit bull restrictions. Attorney Fisher felt that an ordinance could be enacted in April. For the police to take action, a signed affidavit would be required. He will contact Animal Control and try to write an ordinance that defines a ‘vicious’ dog. Debbie McDowell accentuated the urgency noting that there are children and elderparents in the area who are VERY concerned. Council members agreed that aggressive action needs to be taken as soon as possible and, hopefully, that action may discourage other residents from owning potentially dangerous dogs.
Chief Prosser gave the rest of the Department report. He has gotten the new address signs that were needed. He noted that Phil Incarnati owns the home on Gray Woods Lane previously owned by Connie Green. Mr. Incarnati plans to demolish the house.

Building and Permits: The Mayor introduced John Jackson and John Lipchik of McKenna and Associates, the City’s new Building and Planning Department. Mr. Jackson looked forward to working with the City and indicated that the transition from Code Enforcement had gone smoothly. They had received all of the City’s files. Mr. Lipchik, who will be the City’s building official, had gone through all of the records and had begun to visit properties. Mr. Jackson is becoming familiar with the City’s zoning ordinances and listing areas where tweaks might be recommended. Procedures to help residents with the building process are being reviewed and will be provided to them at the time permits are issued. Applications and plans should be sent to McKenna who will provide necessary forms and advice. Hubble Roth and Clark will remain as the City’s engineering firm. McKenna has retained the previous building inspectors. This will be helpful to contractors working on current projects. Inspectors will be billed by McKenna on their invoice. The City will no longer pay them independently. Dick Lund inquired about the monitoring of square footage on plans, spaces that may be made into living spaces, and the work of landscape contractors. Mr. Jackson and Mr. Lipchik indicated that these issues would be monitored.

Attorney Fisher indicated that the two committee meetings with the Greenlees have not resulted in an entire resolution of all issues. He would like one more meeting of the committee to see if they can resolve the last concerns. A Lakeshore Preservation Ordinance is under consideration by the Planning Commission. The Greenlees project would come under the new ordinance. What they are able to do with a non-conforming structure comes under non-conforming uses. At this time, they are under the current ordinance that allows no grading within 50 feet of the Lake. The new ordinance would make a variance request not necessary, as things could be done as special land uses. Mr. Fisher indicated that the City could declare a general moratorium on the 50 foot ordinance until the new ordinance is resolved. Mr. McNew was willing to call a special meeting of the Council, once a public hearing had been held on the new Lakeshore Preservation Ordinance.

Ordinance 1244.04 (d) (2), Standards for granting nonuse variances, indicates that a request must satisfy two of three standards. Attorney Fisher will draft an amendment that will require all three conditions to be met.

Sinking Bridge Drain: Mr. Altherr indicated that what is needed is a better definition of the drain, particularly its location and maintenance, so that the Water Resources Commission can get permission to clear more of the drain area. A meeting is planned with WRC to look at areas of drainage problems in the City.

Property Management: Mr. Altherr has planned for trimming and removal of distressed or dead trees to begin on the Berm on March 21st. The $15,000 cost of the project includes planting and watering of new material.
Treasurer, Julie Frakes, reviewed unusual warrants. The profit and loss sheet indicated a target of 66.7%. The actual was 61.9%. The LGIP rate was .9886.

Councilmember Altherr moved to approve the financial reports, noting those warrants over $500. Motion seconded by Councilmember Jenaras. Motion carried unanimously.

#20666 to Gerald Fisher for $3105
#20674 to HRC for $521.36
#20680 to Code Enforcement for $1385
#20682 to Code Enforcement for $622.50
#20696 to Kim Harper for $1125
#20703 to OC Sheriff for $1968.67

Taxes have been cleared with the County. Three parcels are delinquent for Summer Taxes and three are delinquent for Winter Taxes. Mrs. Frakes has renewed the matured CD at Flagstarr Bank for .8% for 12 months. Budget worksheets have been distributed to all departments that need to supply information for 2016-17. Assessor, Kim Harper, indicated no response yet to the Audit as residential inspectors have not completed their work, and may not for a month or so. The Poverty Guidelines are in place for the Board of Review meetings. Mrs. Frakes noted that the Quickbooks renewal cost would be $219. Mrs. Frakes spoke to the representatives of McKenna, the new building department, about five projects that have been dormant with a need to know about escrow payments. Oakland County is upgrading software for taxes and assessment. The City has qualified for the reduced taxable wage base (from $9500 to $9000) used to determine quarterly Unemployment Insurance Agency payments for the 2016 calendar year. The application for road dust control is being submitted.

Roads: Road Commissioner, Karl Storrie, said that grading was being done, but the gravel roads were in bad shape again after the rain, particularly N. Lake Angelus Road from Rohr Road in either direction.

Environmental Board: The Board held a meeting last week. It recommended renewing the Restorative Lake Sciences contract. Jennifer would oversee the application of weed control chemical, take samples of sediment, and perform all oversight that was done last year. The cost of treatment for milfoil is $600 per acre with a plan for 10 acres. Starry Stonewart is the new weed of concern. Jennifer recommends treating one acre for it. A new chemical would be used and there would be fewer restrictions with its use. It could be applied at the same time that the milfoil application is done and under the same permit. There is a window of time for treatment. Water is getting warmer earlier this year. Jennifer is aware of these conditions. Councilmember Mitchell moved to renew the contract with Restorative Lake Sciences. Councilmember Jenaras seconded. Motion carried unanimously. Councilmember Mitchell moved to continue with weed control for milfoil and add treatment for Starry Stonewart. Councilmember Jenaras seconded. Motion carried unanimously. The Board also recommended continuing with the Canadian Goose abatement program by approving the Resolution and sending the application. Councilmember Mitchell moved to authorize the Mayor to sign the required documents to continue with goose control and approve up to $500 for this purpose. Councilmember Altherr seconded. Motion carried unanimously.

Mr. Mitchell had received the CLMP report from Linda Daniels. Dissolved oxygen was of modest concern. The report was forwarded to Jennifer and she will monitor for it.
This is the last year of the Fireworks contract. Fireworks will be enjoyed on Monday, July 4th. Mr. Mitchell and Dr. Jenaras are trying to arrange a meeting with the new Waterford Regional Fire Chief, John Lyman.

Insurance: The renewal questionnaire for 2017 has been received.

There being no further business, Councilmember Jenaras moved to adjourn the meeting at 9 PM. Councilmember Hilger seconded. Motion carried unanimously. The next regularly scheduled meeting will occur on April 12th at 7 PM.

Approved:  
Respectfully submitted,

Patrick McNew, Mayor  
Rosalie Lake, Clerk