MINUTES OF THE LAKE ANGELUS CITY COUNCIL MEETING

SEPTEMBER 8, 2009

Present: Mayor, Lee McNew; Councilmembers Jon Cabot, David Haines and Karl Storrie; Treasurer, Julie Frakes; Attorney, Dan Christ; Planning Commission Chair, Forrest Milzow; Building Official, Brian Oppmann; Police Chief, Jim Prosser; Clerk, Rosalie Lake

Absent: Councilmember, Bill Lembke

Visitors: Ed and Gretchen Adler, Bill and Story John, Bruce and Peggy Kresge, George Drake, Dennis Mitchell, Jim Howlett, Mike Daniels, John Hovey, Officer Rob Ginther

Mayor McNew called the meeting to order at 7 pm and the Pledge of Allegiance was recited. The Minutes of the meeting of August 11, 2009 were approved as corrected. Councilmember Haines provided business cards for those who had requested them. The Clerk reported that Lee McNew and David Haines had filed nominating petitions for their two seats on the Council which are expiring in November. There were no other filings. There will also be a Pontiac Board of Education election in November. The final two No-Haz collections will be held on September 12 and October 17th. Martha Hodge has given verbal permission to reprint the Blue Book, but has not yet put it in writing which is required to get any publisher to print it. A printer is being sought for. A request to use the City Hall for a wedding by a non-resident family was denied. Dick Lund will be asked for an opinion on the Boundary and Annexation Survey.

Resident Comments: Ed Adler expressed concern about modifying the ordinances to permit outboard motors on the Lake. He felt that it was eventually opening the door to personal watercraft. Some may make an economic argument about the expense of inboard motors, but he noted that most have chosen to afford them. Councilmember Haines responded with a draft letter he had written to residents on the Lake. It stated that four cycle engines are more environmentally friendly than inboard motors currently acceptable on pontoon boats. Dr. Haines further commented that the City has enforceable rules and they are enforced. Changing one rule does not mean losing enforcement of all rules. George Drake noted that the ordinance prohibiting outboard motors has been in effect for a long time and a change in the ordinance will eventually spread to fishing boats. Bill John noted that the reason they chose to live here was because the City had enforceable restrictions. He felt that restrictions regulating outboards would have to be so specific that it would be difficult to enforce them. Dennis Mitchell wondered that, if the outboard motor was such a good thing, why would we stop at pontoon boats. Dr. Haines explained that the need for a 5 liter engine in a pontoon boat is not great. Most residents have a ski boat for this purpose. He felt that most people would use a smaller engine on a pontoon boat. He saw no reason to consider outboard motors for ski boats. The City has an engaged police force which could inspect all pontoon boats with outboard motors regularly on the water and at the dock. Mr. Mitchell worried about what would happen if the City opened the door to outboard motors. Dr. Haines indicated that he was not trying to sell the proposal. He felt it made environmental sense. He did not
think tradition should trump environmental concerns. Jim Howlett remarked that Dr. Haines was asking for discussion. The Council needed to decide whether to formalize the discussion. Legal advice may be needed to know whether it is possible to regulate one kind of boat using an outboard motor over another which is restricted from doing so. Mike Daniels felt that there didn’t seem to be any discussion suggesting that it was a good idea and felt that the attorney’s time on it was questionable. Dr. Haines requested that, before discussion was terminated on the issue, the Council consider whether the opinions of those present were the opinions of everyone on the Lake. He was concerned about a small minority tabling the discussion. He felt that, if there was a strong minority opinion against the proposal and a weaker majority in favor, he would side with the minority position. Councilmember Cabot felt that accepting outboard motors was opening a can of worms without knowing what will happen. We know the ordinance that we have now and we can trust that it works.

Police Chief, Jim Prosser, gave the Department report. Auburn Hills has provided a quote for dispatch services. The quote is high. There has not been a quote from Waterford submitted yet. The Chief recommends staying with Oakland County services for now. Councilmember Haines discussed this with County Commissioner, John Scott. The Commission is not interested in further discussion. The cost of the service is what it is and it is a take it or leave it situation. Dr. Haines indicated that John Scott tried to represent the City in this matter.

The State has completed its audit of the LEIN system. Most of the things that the auditors found fault with occurred in the 1990s. The City did not pass the audit. All old reports have to be gone through, putting everything in order and answering all complaints. It is a very involved process and a great deal of work.

Officer Ginther reported about the state of the Police Department computers. They are older than ten years and dated in what they can do. They are required in two vehicles. The cost per computer is $5195; for the two needed, $10,390. Installation cost per car is $285. Written materials were provided to support this request. Mayor McNew asked about grant monies provided by insurance companies which have been used for this purpose in the past. Councilmember Cabot wondered whether other departments get new equipment regularly and could we use older equipment for our purposes. Officer Ginther indicated that there are large roll-outs of equipment. Older equipment will not handle tickets, the courts will not accept hard copy anymore, and there is not service on older equipment. Councilmember Storrie asked if there were additional costs for training. Officer Ginther replied that training would be done in-house. Dr. Cabot inquired about other costs that need to be considered as a budget adjustment will be required. He moved to allow the Police Department to spend up to $11,000 to purchase two new computers. Councilmember Storrie seconded. Motion carried unanimously.

Officer Ginther presented a request for new laptop computers for the Police Department. There are encryption requirements for these computers. Two are needed at $927 apiece, one for records and one for the squad room. Treasurer Frakes indicated that the budget is the tightest we have ever had, but said that there were funds from prior years’ budgets. Dr. Cabot inquired whether it was possible to get by with one computer. Officer Ginther indicated that the two were required. Councilmember Storrie moved to approve the two computers up to a cost of $2000. Councilmember Cabot seconded. Motion carried
unanimously. Councilmember Haines inquired whether the expenditures for the computers were anticipated. He was concerned about the process of anticipating needs. Chief Prosser responded that the computers should have been replaced a couple of years ago. Clemis has made changes. He said that the Department runs bare bones and that they ask for what is needed, as it is needed. Mr. Storrie felt that the Department should look ahead, three to five years out.

Officer Ginther spoke about the police vehicles, one vehicle being the administrative patrol vehicle and one an active patrol vehicle. It will cost $2025 to purchase light bars and siren control for a new vehicle when the car is purchased.

Chief Prosser gave the monthly Department report. Hopefully a grant will be obtained for Kevlar vests. Reserve personnel will be available for Lake patrol as needed.

Councilmember Storrie made a proposal for a Police Commissioner to be an overseer of the Police Department. He noted that the Police Department is the single largest expense of the City and he felt should have a single point of contact with the City. He felt there should be regular onsite review of finances, training, and personnel issues. There should be someone that the Chief can go to other than the Council to assist him with issues and to champion the needs of the LAPD. He felt there needs to be a strategy for where the Department is headed and how it will get there. Chief Prosser indicated that, originally he did not have a strong opinion about this, but the more he discussed it with others in the Department and outside, he felt that things were working well as they are. Mr. Storrie felt that there needed to be a single point of reference on the Council. Dr. Haines asked Mr. Prosser about his operating procedure. The Chief indicated that he contacts the Mayor with questions or former Chief Roehrig or others in law enforcement and has not had issues with problem solving. George Drake spoke regarding his experience on the Council when supervisory systems have not worked well. Verbal commitments and promises were made or construed of which the Council was unaware. Dr. Cabot noted that five years ago we had a malfunctioning police department. At this time, all of the Council is aware of what is going on and it is working well. Dr. Haines stated that the bottom line is that the Chief needs to report to the Council anyway. Dr. Cabot felt that an intermediary threatened transparency. Chief Prosser stated that the Department is an entirely open place with nothing hidden from the Council or residents. The consensus was to continue to have the Chief report to the Council as a whole.

Planning Commission: Chairman, Forrest Milzow, indicated that the last few months have been difficult regarding the project at 355 Gray Woods Lane. The original plan as presented to the Planning Commission was one of the best he has seen. No residents attended the meeting when the plans were approved and no questions were asked at that time. When construction started, he received many calls from concerned residents. He then received a bill, for his approval, for $1500 for professional consultation with neighbors. He was disappointed in this reaction because plans had been reviewed and neighbors had not contributed. He pointed to a serious drainage issue, some years previously, in another location in the City, in which no concern had been expressed by residents at all. He said that plans at 355 Gray Woods Lane have been followed to the letter. He questioned whether the experts were the neighbors or the Planning Commission. Mayor McNew explained what had happened at the Council meeting.
which some neighbors attended who were worried about drainage across their properties. Attorney Christ had recommended and Building Official, Brian Oppmann, agreed to have a meeting with these residents. Mr. Milzow commented that every building upsets someone. No one attended the meeting where the plans were reviewed. Attorney Christ indicated that residents thought that there was a DEQ violation and the Council felt it should be checked out. Councilmember Haines remembered that there was a lot of energy at that Council meeting and the intent was to try to take care of issues before they ballooned. Councilmember Storrie noted that these issues should have been directed specifically to the Planning Commission. Dr. Haines felt that the intent was to send these concerns back through the Planning Commission. Councilmember Cabot felt that it had not unfolded as it is supposed to. Building Official, Brian Oppmann, felt that there was a problem in referring an approved site plan back to the Planning Commission. Hubble, Roth and Clark had looked at it at least twice. It was in its construction phase and should have been handled by the Building Department. Attorney Christ indicated that it is not inappropriate for the Council to try to solve problems, but Chairman Milzow should have been kept in the loop. Mr. Milzow insisted that everything was done to keep the Commission responsibilities. Mr. Storrie felt that a firmer stand should have been taken with the resident. He felt, also, that the builder has done a fine job. Mayor McNew noted that there were a number of complaints, not only one. Councilmember Haines moved that, in the future, neighbors within 300 feet on both sides of a building project be notified of a Planning Commission meeting regarding that project. Councilmember Cabot seconded. Motion carried unanimously.

Mr. Storrie asked Mr. Oppmann what other communities set as daily construction start and stop times. Mr. Oppmann indicated that Orion, Independence, Birmingham and Franklin maintain construction hours from 7 am until 7 pm, Monday through Saturday.

Building and Permits: Building Official, Brian Oppmann, reported a very quiet last month. Construction at 355 Gray Woods Lane is moving along with framing. The builder has been very responsive to suggestions. There have been numerous conversations with Mr. Greenlee at 525 Gray Woods Lane. Neighbors have provided a list of violations. An estimate of $2500 for surveying the 20 Foot Strip was provided, with discussion delayed.

Treasurer, Julie Frakes, explained the Free Press article of September 6th that placed the City on a watch list regarding its Fiscal Indicator Score. She described how the Fiscal Indicator Score is derived and her response to the publication of the watch list. She indicated that the City is financially solid. Janz and Knight noted that the City may be the most fiscally sound community in the State. Councilmember Haines inquired about the formula for the reserve fund. Mrs. Frakes indicated that the City has been very fiscally responsible. It has been saving for major purchases and has not had unexpected expenses. Mayor McNew noted that the City has not raised the millage rate in at least ten years. She asked what can be done about the Indicator Score. Mrs. Frakes has asked Janz and Knight to write a letter to the State, as she will do, with their opinion on the matter. Janz and Knight advised the City not to ignore the State’s report, but not to place much value on it.
Councilmember Cabot moved to extend the meeting until 9:15 pm. Councilmember Storrie seconded. Motion carried unanimously.

Treasurer Frakes gave her monthly report. Councilmember Cabot moved to approve the Treasurer’s report. Councilmember Storrie seconded. Motion carried unanimously. Mrs. Frakes requested, on behalf of Forrest Milzow, that the Burke Building Center account be reopened for the purpose of the barn repair. The Council authorized reopening the account at its previous limit.

Summer taxes have been paid on all but eight parcels. The Tax Tribunal hearing has been held on the Manaia request. It will be 30-40 days before the results will be received.

Environmental Board: Councilmember Cabot reported that there will be one more phragmites treatment, with the property owner’s approval.

Roads: Councilmember Storrie attended a meeting of the Drainage Board for the Oakland-Macomb County Interceptor Drain. The cost exposure for Lake Angelus is $30,500 over 20 years at 2.5%, the first year’s cost being $1563. Costs can be passed on via taxes, user fees, special assessments or paid from general operating funds. Environmental Board Chair, Linda Daniels, will meet with Chip Tischer of the Oakland County Water Resources Office on Friday.

Mike Daniels and City Attorney, Dan Christ, have been working on a contract for use of the interceptor and have sent a draft to the County. If approved by the County, City Council approval and an authorized signature will be required. A signature will also be required for the DEQ permit. The County will monitor, maintain the system and bill homeowners for its services. If the bills are not paid, a lien will be added to the tax bill. Mr. Storrie explained that Tri-party funding will be terminated on September 30, 2009. Funds contributed by the County prior to that time will still be available for use. Mr. Storrie contacted County Commissioner John Scott who agreed to take the City’s concerns to the Board of Commissioners. The Commission has now agreed to continue the program at a reduced level of 60% for 2010 beginning October 1, 2009. If the county stays in the program, there will be funds for the City’s projects. Mr. Storrie indicated that RCOC recommended not graveling the roads until spring. Dr. Haines inquired about costs for a drain on North Lake Angelus Road.

Attorney Christ noted that he had not checked on an easement to the Dam from the South. Councilmember Lembke will contact Ken Nash about an easement from the North side.

There being no further business, Councilmember Cabot moved to adjourn the meeting at 9:15 pm. Councilmember Storrie seconded. Motion carried unanimously. The next regularly scheduled meeting will be held on October 13, 2009 at 7 pm.

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