LAKE ANGELUS CITY COUNCIL MINUTES

SEPTEMBER 8, 2015

Present: Mayor, Patrick McNew; Councilmembers Dennis Mitchell and Chuck Poploskie; Police Chief, Jim Prosser; Building Official, Brian Oppmann; Treasurer, Julie Frakes; Attorney, Dan Christ; Planning Commission Chair, Bob Bailey; Environmental Board Chair, Jim Hibbard; Clerk, Rosalie Lake

Absent: Councilmembers Dan Jenaras and Jon Cabot; Road Commissioner, Karl Storrie

Visitors: Jim Howlett, Dick and Joyce Lund, Joe Hilger, Robert Waldron, Rich Altherr, Officer Don McLellan

Mayor McNew opened the meeting at 7 PM with the Pledge of Allegiance.
The Minutes of the Council Meeting of August 11th were approved as submitted.
The Minutes of the Zoning Board of Appeals Meeting of August 31st were approved as amended.

Comments from Residents: Pierre Beaudet asked permission of the Council to mow an area behind the tennis courts to create a driving range for golfers. They would push weeds out of the way, do the mowing and fill in holes. City Property Manager, Chuck Poploskie offered to have Billington who mows the tennis court area do the mowing. The project was well accepted.

Mayor McNew noted the news of an intoxicated jet skier on another lake having severely injured a swimmer in a designated swimming area as a wake-up call to our community that has more extensive safety rules and safety history than some other lake communities. Robert Waldron indicated that he has a jet boat that has a 4-cycle engine and felt that it should be allowed on the Lake. He agreed with keeping jet skis off the lake, but felt that other boat technology had advanced. Police officers requested that he take his boat off the Lake. He said that the Officers were very polite and provided the ordinances for their request that he remove the boat. He has taken the boat off the Lake to give time for consideration. He felt that the Police Department was put in a difficult position and clarification was needed. Dr. Beaudet agreed that the ordinances/rules need to reflect the hybrid that is between a jet ski and an inboard boat. Mr. Waldron could not see that his boat did not fit the spirit of the ordinance intention. Bob Bailey could think of four other boats that are in similar situations. Dr. Beaudet felt that Mr. Waldron had a legitimate boat, but there still needs to be a way to prevent jet skis. Jim Howlett agreed that Mr. Waldron’s boat should be allowed and that the rules should be modified. He suggested appointing a small subcommittee to come up with a new definition of what should be allowed. Mr. Poploskie asked for committee volunteers and Robert Waldron, Bob Bailey, Jim Hibbard and Pierre Beaudet were appointed with Dr. Beaudet serving as Chair. Councilmember Mitchell appreciated the comments about the appropriate behavior of the Police Officers that encouraged a helpful response from Mr. Waldron.

Chief Jim Prosser reported on behalf of the Department. He indicated that there were difficulties enforcing Boating Safety ‘Rules’ as opposed to Ordinances. Attorney Christ
will look into making this distinction more apparent. Joe Hilger indicated that he had experienced this issue on another lake and felt there was a need for education for all on it. The Chief gave the Department activity report for August. The Department will be audited by MCOLES and he does not expect any problems with the audit. The Chief would like to host a dinner for the Reserve Officers as in the past. He requested $350 for the dinner. Councilmember Poploskie moved to approve $350 for the occasion for the Reserve Officers. Councilmember Mitchell seconded. Motion carried unanimously.

A letter was received from Miss Dig System, Inc indicating non-compliance with membership requirements of the Miss Dig Act. The letter stated that the City is not a member of the notification system and has not paid the system’s fees. No one was aware of this and Miss Dig will be contacted. Clerk Lake will consult with the Chief regarding annual reporting of compliance with Title VI.

Building Official, Brian Oppmann, reported that the Cortez demolition has been accomplished and work is proceeding. He had reviewed the Greenlee 48 page submission. There are still items that need consideration even though the document takes issue with others. Ms. Lake indicated that a copy of the Master Plan had been requested. It was reviewed in the summer of 2012 and will be provided. Mr. Oppmann indicated that he had had requests for repair of the back walls of boathouses in the past. Since 2005, there have been no new requests for boathouses.

Clerk’s Report: Mayor McNew reported that, as a meeting was being held at City Hall, an engineer from the Water Resources Commission appeared and indicated that there was a lot of water behind City Hall and confirmed that at least some of it was coming from the eastern side of Baldwin. A report from WRC is expected after Labor Day. Ms. Lake indicated that the Pontiac School District millage question was being removed from the November ballot. The election on November 3rd will be for the City Council only with no other issues from either the Waterford or Pontiac districts. There will be two more NoHaz collections this season on September 19 and October 24.

Planning Commission: Councilmember Poploskie reported on the meeting held on September 1st to review plans for Bill and Julia Johnson who have purchased the Gibson property. There were no sight line or side lot issues. The plans were approved with impending confirmation of the square footage. Dick Lund felt that there had not been adequate concern about landscaping on the Greenlee property. Trees are planned along the property lines that he felt was ‘tree-fencing’ inside the sideyard setback. Dan Christ noted that the ordinances do not prevent landscape fencing. Bob Bailey indicated that trees were on the original approved plans. Trees were never considered to be part of the fencing ordinance. Mr. Poploskie felt this was a valid point for discussion on a future agenda. Mr. Lund read ordinance 1258.03 (a) and still felt that the trees planned were a ‘fence’. Mr. Bailey said that the trees were 20’ apart and the ordinances do not have qualifications for spacing of trees on lots. The Greenlees have not received approval on areas where variances are required, but the wall up by the house was approved. A question may be what was approved when the house was approved. Mr. Lund indicated that he did not remember seeing a landscape plan for the Incarnati residence either.
Ken Zemke was concerned about there being only $1000 in the budget for dam maintenance/repair. No money has been spent on the dam since 2009. He estimated that $2500-3000 was needed for the dam. Bob Bailey will check the dam and consult with Mr. Zemke.

Treasurer, Julie Frakes, presented the financial reports for the month of August. The target was 16.7% and the actual was 18.9% due to frontloading of the Fire Department and workers comp payments. The Balance Sheet is $38,000 above last year at this time. Councilmember Poploskie moved to approve the financial reports noting those warrants over $500. Councilmember Mitchell seconded. Motion carried unanimously.

#20301 to Code Enforcement for $1385  #20302 to Radios Knobs for $530
#20304 to Voyager Fleet for $622.09  #20306 to Code Enforce for $850
#20329 to Linda Burton for $1125  #20337 to Billington Serv for $1505

Mrs. Frakes reported that Summer Taxes were paid on all but 7 parcels.

Bruce Brissette requested $250 for a Yacht Club road trip party. The group could combine with the Tennis Club. The MML was cited as noting that public money could not be spent unless all of the public contributing to the funds were invited to participate in the event. So the request was denied. Mrs. Frakes indicated that the recent FOIA request had been completed. The Pontiac School District Accounting department had requested the City write separate checks for each account. The City’s fee would increase to do this. The City audit is complete. Questions were asked regarding weed treatment concerning the accounting of money collected and not spent for this purpose, and on documentation of the LAPD cameras.

Environmental Report - Councilmember Mitchell reported that the City has not yet received the final the report from Jennifer, of Restorative Lake Sciences. A set of samples was taken last week. There will not be a second treatment. The milfoil is reduced but the curly weed seems to have proliferated. Jim Hibbard indicated that the Environmental Board will wait for the report to call the next meeting. The question arose regarding how many meetings were required to be held by the Board under the Charter. Mr. Christ indicated that four meeting were expected to be held annually.

Mayor McNew, after checking everyone’s schedules, determined that the first available date for a ZBA meeting was Tuesday, September 29th. The bridge to the roof of the boathouse has been staked out. The MDEQ shows a 4’ walkway behind the seawall, but their jurisdiction relates only to the seawall. Mayor McNew wished to bring on additional council to work with Dan Christ. Jerry Fisher is an expert in lakefront property rights/issues and brings an outside view and expertise to guide the City. Mr. McNew asked Council to approve up to $5000 for additional council and see what is needed further along. Councilmember Mitchell moved to approve the funds. Councilmember Poploskie seconded. Motion carried unanimously. Mr. Bailey suggested that the Council have a stop-work-order plan if the Greenlees/Derocher move into unapproved work. Jim Howlett suggested that the Council wait to schedule a ZBA meeting to give Jerry Fisher time for review and all Council members time to review the recent submission. Mr. Mitchell wished to show that the Council is being diligent on the issue and that the earliest date to hold a meeting would be September 29th. Mr. Christ will advise the
Council on the document from the Greenlees. Incoming members of the Council asked for copies of the document. The Mayor will have some copies made for involved/interested residents. There is money in the Planning Commission budget for this.

There being no further business, Councilmember Poploskie moved to adjourn the meeting at 8:36 PM. Councilmember Mitchell seconded. Motion carried unanimously.

Approved:  

Respectfully submitted,

Patrick McNew,  Mayor  

Rosalie Lake,  Clerk