LAKE ANGELUS CITY COUNCIL MINUTES

MAY 13, 2014

Present: Mayor Patrick McNew; Councilmembers Dennis Mitchell, Jon Cabot, Dan Jenaras, and Chuck Poploskie; Treasurer, Julie Frakes; Attorney, Dan Christ; Building Official, Brian Oppmann; Police Chief, Jim Prosser; Planning Commission Chair, Bob Bailey; Assessor, Linda Burton; Clerk, Rosalie Lake

Visitors: Waterford Township Fire Chief, Ron Spears; Craig Strong of Code Enforcement; Joe Wegrzyn, Joel Schmidt, architect for Mr. Wegrzyn, Jim Howlett, Jim Cortez, Gary Baum

Mayor McNew opened the meeting at 7PM with the Pledge of Allegiance. The Minutes of the Meeting of April 8, 2014 were approved as submitted.

Mayor McNew welcomed the Chief of the Waterford Township Fire Department, Ron Spears. Chief Spears described the Department as the fourth largest in the State and outlined its accomplishments and projected development. It has hired a number of new firefighters and will continue to increase personnel in 2014. It has a huge first response, being able to respond within five minutes with any amount of water flow. EMS response times have decreased, transporting patients to the hospital of their choice unless specialized care is required. Lake Angelus has required few responses in 2012/2013. The contract between Waterford and Lake Angelus has been set for the next ten years. The Chief responded to questions. Insurance companies were notified of a rating change, but homeowners should check with their providers. A new fire station will be built on South Blvd. in Pontiac. There are eight fire departments in Oakland County with many resources for residents. The Lake Angelus fire truck carries 2000 feet of large diameter hose for use in the City. New employees are trained to use the City’s dry hydrant. CPR classes are available to residents monthly either on site or in Waterford. Chief Spears was thanked for his visit by those in attendance.

Police Chief, Jim Prosser, gave the Department report of activity in April. The Lake Level is at 950.4. The Oakland County Hazard Mitigation Plan will be updated at some time in the future. Officer Don McLellan is the City’s contact with Oakland County in this regard. The generator at the Station has been repaired. Dr. Cabot reiterated from the April meeting that boat inspections should be done and stickers issued. Either residents should approach the Police or Police should approach residents. The Chief can indicate in communication with residents that it is being done at the direction of the Council.

Assessor, Linda Burton, provided the Minutes of the Board of Review meetings in March and a copy of the Assessment Roll. Ms. Burton indicated that she will begin the reappraisal process in June, visiting properties on Saturdays through October in hopes of completing the appraisals this year. She hopes to visit about 14 homes every two weeks. Appraisals can result in increased or decreased valuations.

Building and Permits: Craig Strong from Code Enforcement presented a new agreement for services to the City requesting an increase in retainer fees from $1000 to $1300 per month. In
2008 the fee had been $1300. In 2009 Mayor Lee McNew requested a reduction in the monthly fee as building activity had substantially decreased. Code Enforcement lowered the rate to $1000. With building and permitting increasing over the last year and projected to continue to increase, Code Enforcement wished a return to the $1300 monthly retainer. Mr. Strong spoke of working out the glitches in a new time slip system with inspectors under contract for the City. Building Official, Brian Oppmann, gave his report. He expected projects to be coming up later this year. Diane Latshaw may renew her project on Private Drive this summer. The work on Hugh Miller’s boathouse was a repair.

Mayor McNew adjourned the City Council meeting and opened the Zoning Board of Appeals. Mr. Oppmann reviewed the standard for approving a variance. Dr. Cabot noted that two of the three standards must be met. Mr. Oppmann indicated that the Wegrzyns were asking for a side yard setback variance. Joe Wegrzyn presented his family’s history with the house and the issue with the side yard setback and the addition of a second floor. His architect, Joel Schmidt, described the position of the house on the property, conditions existing prior to the Wegrzyns owning the home. He felt that the corner that is in the setback is the logical way to go up for a second story. He had provided elevations to show the position and appearance of the addition. Dr. Cabot had visited the site and spoken with Ray Siwiec, the immediate neighbor, who had no objection to the project. The Wegrzyns did not create the situation. Bob Bailey acknowledged that changing the location of the second story would make the project more difficult due to problems with weight bearing walls. The encroachment into the setback is a small corner at the back of the house. Dr. Cabot asked if there is any compromise that can be made to avoid increasing the encroachment. Mr. Schmidt acknowledged that there is a possibility, but that it would be difficult. Mr. Mitchell pointed out that there is no encroachment into the sight lines. Jim Howlett reminded the Board that they must have in mind the enforcement of the Zoning Ordinances. He felt that the plight of the applicant was a self-created problem and not due to a situation with the property. The City will not be able to enforce its ordinances if it allows a self-created problem. He felt that the applicant should not be allowed to increase the non-conformity. Attorney Christ suggested that if the existing home was built before the 15’ setback was established, the encroachment should not apply. Mr. Howlett indicated that the Ordinance allows the family to occupy the house, but does not allow them to increase the encroachment. Mr. Poploskie did not feel that going straight up from an existing encroachment was a problem. Mr. Christ indicated that the Ordinance does speak to enlarging an encroachment. Mr. Bailey questioned whether the extra effort of providing supporting beams to move the second story out of the encroachment created a hardship. Mr. Christ noted that cost does come into the picture when defining hardship and asked Mr. Oppmann if there were other supporting facts. Mr. Oppmann noted that the applicant had stated well the issues of the property line. Councilmember Cabot moved to instruct the City Attorney to prepare a resolution denying a variance to increase the size of a structure that is in violation of the Ordinance. Councilmember Mitchell seconded. Motion carried unanimously. Mayor McNew adjourned the Zoning Board of Appeals and reopened the City Council meeting.

Jim Cortez, Web Manager for the City, suggested establishing a list for residents on the website of recommended contractors and service providers, however concerns were raised about advertising. The 2013 Water Quality Report will soon appear on the website. The Environmental Board section needs some streamlining.
Attorney Christ indicated that the Title VI Plan needs a revision making the Clerk the Coordinator of the Plan. Councilmember Cabot so moved. Councilmember Poploskie seconded. Motion carried unanimously with Lake voting naaay.

Clerk, Rosalie Lake, presented the Oakland County Solid Waste Plan Amendment for consideration. Mr. Mitchell had attended a planning meeting and noted that all Oakland County communities had been asked to approve it, requiring 67% for final approval. He felt that it was not going to affect the City very much. It is not a hazardous waste facility. There was a discussion of the route of trucks using the facility. The Plan will be considered for approval at the next meeting.

The Clerk has received a copy of the METRO Act Permit approved by the City for Fibertech Networks signed by its VP/General Counsel.

Paper copies of the February 2014 Ordinance revisions have been received and individual Ordinance Books are being updated for the Council and Planning Commission.

NoHaz collections for the spring will be held on May 31st and June 21st. Gretchen Hurlbert will be working at the collection sites on behalf of the City on both dates. The City must provide at least one volunteer for each collection. Additional volunteers would be helpful for this program.

The brush clearing and open burning ordinances will be published in the Angelus this month. The Clerk wishes to seek alternatives to publishing notices in the Oakland Press due to the high cost and negligible readership.

Planning Commission: Chair, Bob Bailey, reported that, at this time, no meeting is planned in May, but that building activity is increasing.

Roads: Road Commissioner, Karl Storrie, reported that, to construct an asphalt Shared Use Path from the Police Station area to N. Lake Angelus Road according to the specifications required by the Department of Transportation, the projected cost would be $96,015. A gravel Path, including the two-track path to the tennis courts could be done for $15,000. Mr. Storrie presented proposals for the expenditure of $738 from the State for repair of winter damage to roads. He can get an estimate to repair potholes on Old Baldwin Road. However, Old Baldwin is under RCOC jurisdiction. He will consult with his contact there as it may be repaired at no cost to the City. He recommended applying the $1500 from the Major Road Fund that must be used for a non-motorized project to the repair of the walking path along Baldwin and the gravel entrance to the Barn. Councilmember Poploskie moved to use $1500 to repair the walking path along Baldwin and the walkway to the Police Station. Councilmember Cabot seconded. Motion carried unanimously.

Mr. Storrie reported that in order to divert 90% of the Major Road Funds to the Local Road Fund, an asset management plan has to be developed by an engineering firm. Treasurer Frakes provided a 2011 statement indicating that an alternative to an asset management plan was acceptable.

Councilmember Cabot moved to extend the meeting until 9:30 PM. Councilmember Poploskie seconded. Motion carried unanimously.
Councilmember Cabot moved to approve Code Enforcement’s request to increase its monthly retainer fee from $1000 to $1300. Councilmember Poploskie seconded. Motion carried unanimously.

Treasurer, Julie Frakes, gave the financial report for the month of April. She reviewed the warrants and the balance sheet. LGIP interest rate this month was 8.7%. The Balance Sheet is $11,000 behind last year. Profit and Loss target was 83.3% and actual was 81%. Mrs. Frakes reported that 2 CDs will mature on June 24th. The Building Department is in the black. The new tax year has been uploaded on the Oakland County system and is now available on her computer. She has sent the three year tax collection agreement to the Pontiac and Waterford School Districts. Councilmember Cabot moved to approve the financial reports, noting those warrants over $500. Councilmember Poploskie seconded. Motion carried unanimously.

Treasurer Frakes reviewed the Recommended Amended Budget for the General Fund from July 2013 to June 2014 indicating each item to be amended. She also reviewed the proposed Amended Budgets for the Major Road, Local Road and Contingency Funds for 2013-2014. Councilmember Cabot moved to approve the Recommended Amended Budget as presented. Councilmember Poploskie seconded. Motion carried unanimously.

Mrs. Frakes presented a Weed Accounting Analysis showing a deficit of $13,606 in the Environmental Budget for 2013/2014, which included harvesting in 2013 and chemical treatment in 2014. Weed treatment in 2014/2015 is projected to cost $75,000 equaling 1.1111 Mills based on the 2014 TV. A potential sewer feasibility study for $15,000 and other environmental expenses provided an estimated balance in the Environmental Account of -$110,000. Mrs. Frakes also provided a Tax Rate History showing the various impacts on revenue and millage rates various options would provide. To provide $110,000 more than last year and balance the budget, a 1.4162 Millage increase was recommended. Residents had approved the ability to increase up to two additional mills in the November 2013 election. Mrs. Frakes indicated that there was $641,490 in the Rainy Day Fund and $113,242 in the Contingency Fund for capital improvements.

Councilmember Poploskie moved to extend the meeting until 10PM. Councilmember Cabot seconded. Motion carried unanimously.

Mrs. Frakes then reviewed the Proposed Budget for 2014-2015. She recommended a tax rate of 11.5750 which would generate $110,000 for weed control without touching Rainy Day Funds. She also reviewed the Proposed Major Road and Local Road Budgets. The budgets will be approved at the June meeting. Councilmember Cabot moved to approve the Amended Budgets for Major and Local Road Funds. Councilmember Jenaras seconded. Motion carried unanimously.
Councilmember Cabot moved to approve the Amended Contingency Fund Budget. Councilmember Jenaras seconded. Motion carried unanimously.

Environmental Board: Liaison to the Environmental Board, Dennis Mitchell, reported that Goose Busters had been on the Lake once already and will be back a second time. The contract with Aqua Weed for $67,000 has been signed. The overseeing company provided two options: $3500 for overseeing or $7000 to develop a larger plan for the Lake. Water quality testing needs to be added to the contract. Aqua Weed can sample the water to determine when plant watering can commence. There is a cost for each sample. The contract indicates 120 days before being able to water as a worst case scenario. It will probably be only two weeks or less. Frank Taube offered to measure water quality after the application. Notices of the application must be mailed to each resident. Councilmember Cabot moved to pay Restorative Lake Sciences $3500 to oversee the application of the herbicide. Councilmember Poploskie seconded. Motion carried unanimously.

Councilmember Mitchell has interviewed three companies to provide the 4th of July fireworks display. Ace Pyro is the only one that can do it on the 4th. Ace Pyro has offered a three year program costing $8000 per year. A deposit of $2000 would be due in March of every year. The Daniels have offered to allow the company to launch the barge from their property. Councilmember Cabot moved to commit to Ace Pyro for $8000 for three years. Councilmember Jenaras seconded. Motion carried unanimously.

Gary Baum and Don Clapham have met with Bill Frick of Waterford regarding the proposed sewer project. They will plan a meeting of the Shores Road Association.

There being no further business, Councilmember Cabot moved to adjourn the meeting at 10:10 PM. Councilmember Poploskie seconded. Motion carried unanimously. The next regularly scheduled meeting will be held on June 10, 2014 at 7 PM.

Approved: Exhaustfully submitted,

Patrick McNew, Mayor Rosalie Lake, Clerk