MINUTES OF THE LAKE ANGELUS CITY COUNCIL MEETING

MARCH 8, 2011

Present: Mayor, Lee McNew; Councilmembers Karl Storrie, Jon Cabot, David Haines and Chuck Poploskie; Treasurer, Julie Frakes; Attorney, Dan Christ; Building Official, Brian Oppmann; Environmental Board Chair, Linda Daniels; Chief of Police, Jim Prosser; Planning Commission Chair, Bob Bailey; Deputy Clerk, Linda Daniels

Absent: Clerk, Rosalie Lake

Visitors: Sgt. Joyce Nelson, Jim Howlett, Heidi Hoyles, Pierre Beaudet

Mayor McNew called the meeting to order at 7 pm and the Pledge was recited.

The Minutes of the Meeting of February 11th were approved as corrected.

Clerk’s Report: Clerk Lake submitted the draft of the Facilities Use Policy and suggestions for further consideration. Council considered these suggestions and made others which will be incorporated into the draft which was then approved by motion of Councilmember Cabot and seconded by Councilmember Storrie. Motion carried unanimously.

Ray Siwiec is willing to serve another term on the Board of Review. Motion to approve his appointment was made with appreciation for his service by Councilmember Cabot and seconded by Councilmember Haines. Motion carried unanimously.

Deputy Clerk Daniels corrected the Board of Review meeting schedule published in the agenda. Mayor McNew will up-date the James L. Howlett Volunteer Service Award listing and will provide for recognition of the Lake Memorial Restoration Fund for furnishings in City Hall.

Police Chief, Jim Prosser, gave the Department report. Chief Prosser will provide a column for the ‘Angelus’ regarding topics of importance or interest to residents. The Durango police vehicle has needed considerable repair. The Chief will be looking into a new vehicle this year. Councilmember Haines will be meeting with the Fire Service Committee on March 17th. The Committee consists of Dick Lund, Jim Howlett, Mike Stefani, Gary Parlove, and Jim Cortez. The Chief reported that Dan Wright has been replaced by Glen Heath and discussed a plan for bullet-proof vests for new officers. They are custom fit. With half of the cost government funded, perhaps a plan could be constructed for an officer to cover part of the cost with reimbursement later. Councilmember Cabot suggested that whatever version of this is acceptable, it should be written as policy.

The Oakland County Sheriff Dispatch contract expires in March 2012. Chief Prosser will obtain bids from Waterford and Auburn Hills for this service to try to lower costs.

References in the Oakland Press to the new Medical Marijuana Law prompted questions as how it affects Lake Angelus. Chief Prosser indicated that, as the City has no commercial business area, the department can only monitor what is going on about it in the general area.

Treasurer Frakes reported that property that is unclaimed by March 31st must be reported to the State by July 1st. The Chief thought the Department did not have any, but he will make sure.

Councilmember Storrie questioned the Chief about arms carried in police vehicles. The Chief said that no shotguns were carried and that those that they had were kept in a safe. He indicated that other weapons were better for the purpose with less maintenance and said that the
Department needs to be proactive in determining what weapons are appropriate and in the training of officers.

Sgt. Nelson indicated that Oakland County will be assuming policing duties in Pontiac. MCOLES supervises police training approving data entered by the LAPD. An annual report is due this week. The Department has met all compliance requirements for 2010 and anticipates additional training next year.

Planning Commission: Bob Bailey reported that the tallest light post at the Great Lakes Crossing entrance(s) is 45’ and the signs appear to comply. Mr. Bailey and Mr. Poploskie will check on the language in the Consent Judgment regarding this and report to Council at the next meeting. Mayor McNew opened discussion on the motion on the floor from the previous meeting: moved by Councilmember Storrie and seconded by Councilmember Haines to accept the recommendation of the Planning Commission to approve the amendment to Ordinance 1246.07(3)(d): Decorative and electrically illuminated entrance gates and gate posts permitted under Section 1258.03(a)(6) shall be permitted within the side yards as provided in this subsection. Gates and gate posts shall not be located within five (5) feet of the lot lines dividing one lot from another. Any such gate or gate posts shall have a maximum height of seven and one-half (7 ½) feet. Any lighting fixture or lighting embellishment may increase the total height of the structure to not more than nine (9) feet. The gate posts shall have a base area not larger than three and one-half (3 ½) feet by three and one-half (3 ½) feet. Councilmember Cabot reiterated discomfort in voting on the approval at the last meeting without hearing from anyone on the Planning Commission on the pros and cons considered. He wished to hear how amending the ordinance would improve the ordinance with respect to the City and its residents. Council Liaison Poploskie indicated that Commissioner, Gary Parlove had been part of the original fence committee and it was felt that a gate post was part of a fence. There are other posts within the setback around the City. If the posts are permitted, why not the gates. On the negative side, the 15’ sideyard setback has been ‘sacred’. There is a question about whether a gate post is a structure or part of a fence. Some on the PC thought a 3 ½’ post is a structure, some thought it more of a fence. There was not unanimous agreement on this. Dr. Cabot felt that even if there were a number of posts in the sideyard in the City, the ordinance should not be altered to correct past errors. Mr. Bailey indicated there were really no errors because the fence committee considered a post to be part of a fence. Driveways that were delineated by posts would have to have been placed 15’ from the lot line, which they were not. Dr Haines noted that some posts in the City predated the fence ordinance. An ordinance that is inconsistent with that tradition is not appropriate. Dr. Cabot acknowledged that structures at the entrance from the road are not as offensive as those within the property. However, Pierre Beaudet pointed out that there is a big difference between structures along Gallogly and N. Lake Angelus Roads and those, such as Gray Woods and the Shores Road, where homes are closer together and closer to the roads. Mrs. McNee was surprised at the height, including lighting, that was permitted in the amendment. Mr. Bailey indicated that the PC will review lighting issues in the City. Dr. Beaudet agreed that lighting is a very important issue. He noted some very bright lights in his neighborhood on Gray Woods Lane. Lighting will be complicated as wattage isn’t the only factor. The motion to adopt the amendments to ordinance 1246.7(3)(d), tabled at the February meeting, was brought to a vote by Mayor McNew. The motion carried unanimously.
Building and Permits: Building Official, Brian Oppmann reported that Mr. Incarnati has provided a couple of proposals for landscaping on his property to provide access to the Lake. Mr. Oppmann is not comfortable with the proposals. His concerns are with the cut, grading and height of retaining walls. He has sent copies to Attorney Christ and has asked Planning Commission Chair, Bob Bailey, to come to look at them at his office. Some proposed retaining walls will exceed 7' in height. Mr. Oppmann has suggested that the Incarnatis keep within the cut they already have. He has met with Mr. Incarnati and his landscape architect and is hoping for cooperation from them but knows that they are not happy. They are anxious to begin work as soon as the ground thaws. They continue to revise the plans and it will finally be up to the Planning Commission to review them.

A building permit for 2390 Private Drive has been issued. The bill for plan review was clarified. Treasurer Frakes asked about unclaimed bond property. Mr. Oppmann will check.

City Property: Councilmember Storrie indicated that Forrest Milzow is planning to talk with the Waterford Fire Chief about the Barn requirements. Changes will be made to the doors when the weather breaks. Councilmember Poploskie will post the occupancy limitation signs at the Barn and City Hall. The Fire extinguisher has been hung at City Hall.

Treasurer, Julie Frakes gave her report. She reviewed the warrants for February. The Balance sheet indicated about $13,000 below last year. New detail regarding interest rates will begin to be shown on the Balance sheet. Profit and loss target was 66.7% and actual was 66.5%. Mrs. Frakes provided budget worksheets for all departments asking for projections for next fiscal year and also asking for thoughts on the needs for remaining funds in this year’s budgets.

Councilmember Cabot indicated that there would be an insurance rebate this year, but amounts have not yet been calculated. He also inquired about property taxable values; some had gone up and some down. Councilmember Cabot moved to approve the financial reports noting those warrants over $500. Councilmember Storrie seconded. Motion carried unanimously.

#16936 to Linda Burton for $1061  #16957 to Code Enforcement for $850
#16960 to Hafeli Staran for $1710.54  #16961 to Voyager Fleet for $784.64
#16974 to CMP Distributors for $660  #16987 to OC Sheriff for $1711.33
#16988 to Code Enforcement for $1170

Mrs. Frakes spoke with Joyce Lund about publishing a new Directory. Money is in the budget for it. If there are not many new residents, a single page addendum could be done this year. Clerk Lake will be consulted about the number of changes.

A signed copy of an investment policy made in 1998 was found with Janz and Knight. Mrs. Frakes will review it as a guide for developing a new one.

A discussion of road revenues raised the question of whether the City should increase the amount transferred from the Major Road Fund into the Local Road Fund from its present 50%. Janz and Knight has confirmed that up to 10% can be transferred into the General Fund for administrative expenses, which amounts to $800-$900. The question is whether to transfer up to 90% to the Local Road Fund, with 10% going to the General Fund. Approval from MDOT would be needed to do this. Councilmember Haines suggested that 90% be pursued. Attorney Christ said that there are two ways to do it; one being to develop a fairly exhaustive plan; the other being to acquire MDOT approval and pass a resolution. Mrs. Frakes indicated that there is approximately $70,000 in the Major Road Fund at the present time that can only be used for the Berm. Mr. Christ indicated that there is very little risk in pursuing a 100% transfer, 90% to the Local Road...
Fund and 10% to the General Fund. It may take a little time. Mr. Christ suggested that it may make sense for the Council to make a formal resolution increasing the transfer to 50% so that that resolution is on file. It may be valuable in applying for an increase to 100%. Councilmember Cabot suggested making a motion to pass a resolution moving 50% of Major Road Funds to the Local Road Fund with 10% allocated for administration costs and then apply to move 90% with 10% for administration costs. Mr. Christ will send information to Councilmember Storrie to begin the process with MDOT.

Mrs. Frakes inquired of Mr. Christ regarding the handling of unclaimed property, whether it be bonds forfeited back to the City or items in the possession of the Police Department. Mr. Christ was unsure of the disposition of items in the past, but suggested that going forward, unclaimed property should be properly reported.

Mrs. Frakes will welcome Oakland County Treasurer, Andy Meisner, for a meeting with her on April 4 at City Hall. Mr. Meisner had previously sent a memo about revenue sharing and consolidating services with communities around the City. Mr. Christ indicated that revenue sharing is proposed to be cut and placed in a pool for communities to consolidate services. Mrs. Frakes noted that only 3% of the City’s budget is related to revenue sharing. Mr. Christ suggested that Mrs. Frakes document the ways that the City presently consolidates services.

Environmental Board: Chair, Linda Daniels, reported that a resident had inquired about swan control. There is no policy to allow action on this. If residents do shoreline planting, it will help. A contract for Goosebusters has been developed. There is a potential for having to go onto residents property although most activity is on the Island or other City property. Permission will be acquired by Mrs. Daniels from residents affected. Goosebusters are on the Lake in April in an unfamiliar boat so residents will be notified on the Listserv. Councilmember Haines moved to approve up to $400-$500 for the Goosebusters contract. Councilmember Cabot seconded. Motion carried unanimously. The meeting for Shoreline Restoration is scheduled for April 16.

Roads: Councilmember Storrie has consulted the Road Commission to try to locate the permit for cutting the Berm. If it is not located, a new contract will be written. Mr. Storrie has written a letter to the RCOC and to John McCulloch requesting a review of the problems of the Sinking Bridge Drain indicating why this review needs to be done. A suggestion was made for a pump in the Hulbert Nature Preserve to relieve the flooding caused by the Drain situation.

Fireworks: Councilmember Haines indicated that the Fireworks budget was $8000 and proposed to increase it to $9000. To increase the amount for fireworks last year, private residents contributed $1600 of which $1200 was used. The remaining will be added to this year’s budget. The technical problems experienced last year have been resolved. The barge will be anchored by 8 pm on the East side of the Island to allow for daylight set up. Councilmember Cabot noted that the City has not increased the budget in elective areas and felt that it should not be increased for the fireworks. He was in favor of voluntary contributions. The fireworks will be held on July 4.

There being no further business, Councilmember Cabot moved to adjourn the meeting. Councilmember Poploskie seconded. Motion carried unanimously. The next regularly scheduled meeting will be held on Tuesday, April 12, 2011 at 7 pm at City Hall.

Approved: Respectfully submitted
Lee McNew, Mayor Linda Daniels, Deputy Clerk