MINUTES OF THE LAKE ANGELUS CITY COUNCIL

MARCH 9, 2010

Present: Mayor, Lee McNew; Councilmembers Jon Cabot and David Haines; Attorney, Dan Christ; Treasurer, Julie Frakes; Police Chief, Jim Prosser; Building Official, Brian Oppmann; Environmental Board Chair, Linda Daniels; Clerk, Rosalie Lake; Dick Lund, LAGPS Coordinator

Absent: Councilmembers Karl Storrie and Bill Lembke

Visitors: Jim Howlett

Mayor McNew called the meeting to order at 7 pm and the Pledge of Allegiance was recited. The Minutes of the last meeting, held on January 12, 2010, were approved as submitted.

In regards to the reprinting of the Blue History Book, Martha Hodge, owner of the copyright, had sent a letter of agreement which would permit the City to reprint the book. Councilmember Cabot moved to authorize the mayor to sign the agreement. Councilmember Haines seconded. Motion carried unanimously.

Clerk Lake had investigated ways to create two separate links to the Charter and Ordinances and to rename the links. Separating the Charter from the Ordinances, which would be done by American Legal, and creating individual links for each proved to be complicated. Council decided to simply ask IGD to rename the website link, indicating the two in separate wording and identifying the Ordinances as City Ordinances as opposed to Building Ordinances.

The Clerk had provided Council copies of the No Haz Agreement and Resolution and a Resolution advocating continuance of the program beyond the current program year.

The Resolution to approve the NO HAZ Interlocal Agreement, authorize the Mayor, Lee McNew, to sign it, and appoint Rosalie Lake as the City’s representative to the NO HAZ Advisory Board was offered by Councilmember Cabot and seconded by Councilmember Haines. The Resolution carried with yea votes from Cabot, Haines and McNew.

The Resolution in Support of Facilitation of the NO HAZ Program was offered by Councilmember Cabot and seconded by Councilmember Haines. The Resolution carried with yea votes from Cabot, Haines and McNew. Dr. Cabot further moved that the City absorb the $10 charge for residents participating in the program so as to create no barrier to participation. Dr. Haines seconded. Motion carried unanimously.

Regarding the issue of SMART, the Clerk has received several Resolutions from opt-out communities wishing to be on record as opposing a County wide vote on general taxation of all communities to support the SMART program, which issue is under consideration by the Oakland County Board of Commissioners for the fall elections. The opt-out communities feel that they are at a population disadvantage in a county wide vote to tax all communities for a service that they have had the previous ability to opt out of participation. Councilmember Cabot supported adopting a similar resolution. Councilmember Haines was concerned about going on public record and wondered what the political impact might be. He felt it would highlight Lake Angelus as being opposed to public transit. Mayor McNew noted that the City has opted out of the SMART program and appropriately so. Given the differences of opinion, the Council will not pursue adoption of a resolution.

Regarding the cancellation of a City Council meeting: The Charter is not clear about how a meeting may be cancelled. Attorney Christ suggested a Rule to cover a cancellation.
Councilmember Cabot moved to adopt the suggested rule which provides that the Mayor, in consultation with the Clerk, may cancel a meeting where it is reasonably determined that a quorum of Council will not be available for the meeting and/or there is no pressing or imminent business before the Council the delay of which would be detrimental to the City. Councilmember Haines seconded. Discussion continued on potential misuse of the attainment of a quorum in regards to pressing business. The motion before the Council failed.

Councilmember Haines restated the motion to add an option. “The Mayor, in consultation with the Clerk, may cancel a meeting where it is reasonably determined that a quorum of Council will not be available for the meeting and there is no pressing or imminent business before the Council the delay of which would be detrimental to the City before the next meeting. The Mayor may also postpone and reschedule a meeting prior to the next scheduled meeting to consider the agenda of the meeting cancelled.” Councilmember Cabot seconded. Motion carried unanimously.

The City has been contacted by Olivia Vesperas of Comcast requesting a meeting with a City official to discuss Comcast’s move to digital programming. She will be invited to attend a Council meeting to inform the members.

The Clerk requested $25 dues for the Oakland County Clerks Association. Councilmember Cabot moved to approve the dues. Councilmember Haines seconded. Motion carried unanimously.

The Clerk has heard from Police Officers who appreciated the holiday gift certificates and wish to thank the Council.

The Michigan Municipal League provided a framed commendation to the City for its continued membership.

The Board of Review meetings are in progress. Sessions were held on March 8 and will be held on March 10 for residents with appointments.

Sealed bids have been received for the police vehicle that has been replaced. The bidding process was posted in the Oakland Press, in the ‘Angelus’ and on the City listserve. Three bids were received. The highest of them was $4380. Councilmember Haines moved to accept the highest bid. Councilmember Cabot seconded. Motion carried unanimously. The Clerk suggested that, in the future, the City advertise first within our residential and Police community and if acceptable bids are not forthcoming, then advertise in the Oakland Press. This may save the cost of advertising as recent sales have been through our residents or police department.

Comments from Residents: Jim Howlett recommended wording for the website link to the Charter and Ordinances as City Charter and City Code. There was some concern as to whether people would understand the word “code” to mean ordinances. It was determined that the wording will be ‘City Charter’ and ‘City Ordinances’. The Clerk will have the change made by IGD.

Dick Lund indicated that he had received Census Maps and that some road names are incorrect on the maps. The name ‘N. Lake Angelus Road’ is inconsistently used. He has spoken to the person responsible for making changes. Councilmember Storrie will be asked to follow up.

Police Chief, Jim Prosser, gave the Department report. He wished to thank Dr. Pedell for his assistance at the time of Dr. Meisner’s death. The Chief also thanked the Council for approving his attendance at the recent Chief’s conference. He outlined the seminars he attended, valued contact with local Chiefs and gleaned useful information from some of the vendors. The Chief
described the new police radios and brought one for the Council to see. Officers have been trained on the use of them. They are valued at $4000 each but are at no cost to the City. The City has a contract with Oakland County for $1600/month for radio services. The Chief would like to purchase lapel microphones for the officers. Councilmember Cabot moved to purchase two microphones for up to $350. Councilmember Haines seconded. Motion carried unanimously. The Department will purchase paper products from a source within the Department in the future. The people who performed the Lein audit will be back in a week. Everything is up-to-date for their review. The Chief appeared in court with Andy Greenlee. The hearing was postponed until June when there will be a full hearing. Mr. Greenlee indicated that he was going to remove the retaining walls. He had submitted plans to Code Enforcement that were unacceptable and had been so notified by Brian Oppmann.

The Waterford Fire Department wants to have brush and protruding branches cleared from the accessways for their equipment. Councilmember Haines has written to residents to make them aware of overgrowth and the clearance required in all areas of the City. He will add to the letter references to the City ordinances in this regard. Dick Lund suggested that police officers, in their travels, note overgrowth on the roads and driveways. Attorney Christ suggested sending the letter to all residents, communicating again to those who do not respond, and considering either a citation or having the work done by the City as a last resort. Dr. Haines said that the situation will need to be assessed in each section and residents could be charged by the City, if the City has to have the work done. Dr. Haines will include these items in the letter and bring it back to the Council. The Clerk will mail the letter to all property owners. There are two more years on the contract with the Waterford Fire Department. A year from now, the Council will need to think about its renewal. Mr. Lund described the budgeting process that will take place in Waterford.

A proposal for a lot split by the Fosters was discussed. If Code Enforcement receives an application for the split, it will be evaluated according to the ordinances. Attorney Christ indicated that it was premature for deliberations by the Council. As proposed, it would not be approved. Brian Oppmann was clear that Code Enforcement would not recommend a lot split that does not meet the ordinance requirements.

Brian Oppmann proposed changes in building fees. Current fees are very low considering the number of times inspections need to occur and administration fees are assessed. The City is not breaking even on fees. Attorney Christ will prepare a resolution regarding fees for the next Council meeting.

Mr. Oppmann explained the work of SAFEbuilt, Inc. This company has expertise on the building of very large homes and can be a resource for Code Enforcement.

Attorney Christ has written to three residents who appear to have encroachments on the 20 Foot Strip which were identified in the surveying process.

Mayor McNew has received survey forms from 69 residents regarding the future of the tennis courts on the Recreation property adjacent to the Barn. 48 respondents supported repairing the courts; 21 respondents did not support the repairs. Councilmember Cabot outlined the three choices available to the Council: Do nothing at all, remove the courts and relandscape the area,
Treasurer Frakes, gave her monthly report. No meeting was held in February, so the Treasurer reviewed first the reports for January. She reviewed the warrants and the profit and loss sheets. Councilmember Cabot moved to approve the report for January, noting warrants above $500. Councilmember Haines seconded. Motion carried unanimously.

#16235 to Linda Burton for $1030  #16240 to Priority 1 Emergency for $5884.99  
#16244 to OC Radio Comm for $919.65  #16245 to Code Enforcement for $1395  
#16247 to Voyager Fleet for $602.46  #16250 to Hafeli, Staran for $1843.14  
#16251 to Waterford Fire for $49,863.94  #16252 to Janz & Knight for $6760  
#16266 to OC Sheriff for 1661.25  #16270 to OC Clemis for $554.50  

The financial reports for February were presented. The warrants were reviewed as well as the profit and loss sheets. Revenues are down in the areas of revenue sharing and licenses. Some adjustments will need to be made in the next several months. The Police Department is overbudget. Councilmember Cabot moved to approve the report for February, noting those warrants over $500. Councilmember Haines seconded. Motion carried unanimously.

#16290 to Linda Burton for $1030  #16294 to Voyager Fleet for $583.49  
#16313 to Code Enforcement for $1330  #16317 to Hafeli, Staran for $941.46  
#16321 to OC Sheriff for $1661.25  

Mrs. Frakes has received preliminary taxable value rates. They present a 6% reduction in revenues for the City. She does think that the City will be able to maintain its previous taxable rate. The City has funds in reserve. Councilmember Haines noted that revenues are not going to increase for a number of years. The City needs to reduce costs and be prudent. The Council’s mandate is to be responsibly efficient. Mrs. Frakes explained that the City is almost at the millage limit and cannot raise taxes very much even if it wished to do so. If taxes were to be raised to the extent that is possible, only $11,000 would be realized. As the budget preparation moves forward, about $40,000 needs to be found to balance the budget. Councilmember Cabot felt that a firm budget statement is required to make any decision on the tennis courts. Mrs. Frakes noted that the Police Chief has attended trainings in the last six months that require a two/three night stay. Dr. Cabot indicated that training should be a budget item that the Chief needs to consider and that the Council should be aware of.

Councilmember Cabot moved to extend the meeting until 9:20 pm. Councilmember Haines seconded. Motion carried unanimously.

The Treasurer continued that the Tax Tribunal has settled the Manaia case and that the mortgage company for the Gitters has paid required tax amounts. At this time, four parcels still owe winter taxes. In regards to the Credit Card Resolution, the Chief of Police maintains a gasoline credit card; a Staples account credit card is available to the Chief, the Clerk and the Treasurer under the terms of the Resolution. The Resolution needs to be revised to indicate current credit card information. The Clerk will provide an updated version of the Resolution to reflect these items.
Chairperson, Linda Daniels, reported from the Environmental Board. The application for goose egg destruction must be submitted by March 20th. The Environmental Board recommended the goose nest destruction but not a goose round-up. Training is required in the application process, and then nest destruction can be performed by the City itself if it wishes to do so. Councilmember Haines moved to approve wording, as updated, on the resolution used to approve the process last year. Councilmember Cabot seconded. Motion carried unanimously.

Councilmember Cabot indicated that renewal materials for the City’s insurance have been turned in to MMRA.

There being no further business, Councilmember Cabot moved to adjourn the meeting at 9:15pm. Councilmember Haines seconded. Motion carried unanimously. The next regularly scheduled meeting is set for April 13, 2010.

Approved: Respectfully submitted,

Lee McNew, Mayor Rosalie Lake, Clerk