

President Wetherbee called the meeting to order with the pledge of allegiance at 7:00 P.M.

**Roll Call:**

Council Members Present: President Wetherbee and Trustees: Ager, Gremel, McCann, Harper, Cook, Gale

Absent Members: None

Staff Present: Clerk- Joni Scott, Community Liaison- Cindy Edmondson, Treasurer- Kallie Craker,

**Approval of Meeting Minutes:**

The September 9, 2021 regular meeting minutes were approved with the following addition. Trustee Ager wanted her statement in support of the looks of the Dispensary Building recorded in the minutes.

The September 29, 2021 Special meeting minutes were approved as presented.

**Approval of Agenda (amendments/additions):**

Trustee Ager- asked for the discussion on Road End Signs to be moved to an action item. President Wetherbee- asked to move the Trail Art Proposal by Northport Public School teacher Jen Evans to be moved up on the agenda before going in to a closed session.

**Correspondence:**

Gerald Schatz- Community Liaison Edmondson read the following;

The East Seventh Street property that the state initially gave to Northport for public purposes is a rare open space and access to a conservation area. Issues and options for the future of this site should be a matter for well-publicized public hearings and public discussion.

Because the site is close to and drains to Northport Bay, the Village Council should note especially that Federal protective regulation has strengthened concerning hydrology, wetlands, tributaries, and drainage to the Bay as part of the waters of the United States.

That a particular action may be doable does not necessarily make it wise.

Kay Pentzien and Patrick Thompson- email regarding village property abutting their property on Park Drive. (Discussion Item on the Agenda)

Gregory Noble- request to fix the drainage ditch on 4<sup>th</sup> Street.

**Public Comment:**

**Gregory Nobles-** requested the village to hire an engineer and fix the 4<sup>th</sup> Street drainage problems.

**Patrick Thompson-** Thanked the village for turning off the street light on 3<sup>rd</sup> Street.

**Trail Art Proposal by Jen Evans, Northport Public School:**

Northport Public School teacher Jen Evans requested the following Approval;

1. Mural location for a last supper scene with women's right activist.
2. Art that was originally approved in 2019 to be installed on the Nagonaba Trail
3. Add a mushroom fairy garden on the Nagonaba Trail
4. Halloween Haunted trail walk to Fundraise for the Senior Class trip.

The Council agreed by Consensus to the requests.

\*Trustee Ager Moved Supported by Trustee Cook to enter in to a closed session deliberation meeting regarding an ongoing legal dispute pursuant to Sections 8 (e) and 8 (h) of the Open Meetings Act. Roll Call Vote: Yeas (7) Nays (0) Motion Carried.

**Closed Session began at 7:35 pm.**

## **Reports:**

- A. **Liaison-** Community Liaison Cindy Edmondson reported that the new base for the village office sign was completed. Edmondson also reported on the Halloween hotdog party and tree lighting fundraiser.
- B. **Clerk** – Clerk Scott provided a financial report for the month of September 2021 in agreement with the Treasurer.
- C. **Treasurer** – Treasurer Kallie Craker provided a revenue report in agreement with the Clerk for the month of September. Craker noted that her tax collection was completed and that she was .20 cents over due to an overpayment, but otherwise balanced and completed her report to Leelanau County.
- D. **DPW-** DPW Superintendent Chris Holton provided a written report on the DPW activities for the month of September.
- E. **Employee Relations** – None
- F. **Finance-** Finance Chair Jane Gale provided minutes from September 8, 2021 meeting. Gale reported that the committee is in the process of drafting a Land Division Ordinance and preparing to draft the budget.
- G. **Infrastructure-** Infrastructure Committee Chair Hugh Cook provided minutes from the September 15, 2021 meeting.
- H. **Waterfront-** Waterfront Chair Tom Gremel noted that Harbor Master Rosemurgy had been working on updating the wait list, and that the Committee agreed to no-changes to the transient or seasonal fees for 2022. Harbormaster Bill Rosemurgy provided a written report of marina activities.
- I. **Planning Commission:** minutes from the September 15, 2021 Planning Commission meeting were provided. Gale noted that the Planning Commission will be reviewed plans for the marina parking lot project, and reviewed the request for more public restrooms. Representative Gale also provided amendments to the Village’s Short Term Rental Ordinance from a Planning Commission sub-committee.

**Discussion:** Trustee Harper would like to see the Planning Commission focus on controlling STRs with zoning districts, suggesting that the shoreline district would be a preferable preference.

**\*Trustee Gale Moved, Supported by Trustee Ager to approve the following resolution;**

WHEREAS Ordinance No. 111 an ordinance to regulate Short Term Rentals was adopted by the Village Council on November 5, 2015; and

WHEREAS the Village of Northport Planning Commission and Sub-Committees have reviewed the ordinance; and

WHEREAS the Village of Northport Planning Commission has identified amendments to align with current procedures;

NOW THEREFORE BE IT RESOLVED that the Village Council approves and adopts the Short-Term Rental Ordinance as amended.

**Roll Call Vote: Yeas (7) Nays (0) Motion Carried.**

**Resolution Declared Adopted.**

**Zoning Administrator:** Scott provided a report of her activities for the month of September. Zoning Administrator Scott noted that the Village officially had a zoning nuisance located at 226 East Fifth Street, and that the Council was in the process of deciding their next steps to eliminate.

J. **Parks and Trails:** Parks and Trails Committee Chair Chris McCann provided minutes from the September 20, 2021.

President Wetherbee added that the trail on the former Jean Putnam property may need to be re-routed due to the fact that the property is being developed. The village of Northport currently has a license agreement, which can be terminated with 30 days' notice.

### **Discussion Items:**

#### 4<sup>th</sup> Street "stream" status:

President Wetherbee reported that in addition to seeking help from engineers and the EGLE, he asked Sarah Uren from the Watershed Center with regards to the ditch on 4<sup>th</sup> Street. Wetherbee explained that Uren also supported the conclusion that once the ditch was determined a stream, there wasn't much that the State would allow for the Village to do.

President Wetherbee opened up the floor for conversation and comments from the residents on E. 4<sup>th</sup> Street.

Greg Nobles- stated that he would like to see the stream in the drainage ditch on 4<sup>th</sup> Street put underground. Nobles referenced that he thought that the contractor work completed on the drainage ditch back in 2009-10 was very poor. He felt that there should be avenues to bypass Robin Schmitt, since she was unwilling to look at the current issues on 4<sup>th</sup> Street.

Karl Wizinsky- stated that the issues with the drainage ditch on 4<sup>th</sup> Street had been a long-standing problem and suggested that it was time to go above Robin Schmitt.

Fred Steffens- gave a brief history of the work done on the drainage ditch on 4<sup>th</sup> Street stating that he was verbally opposed to the project that was constructed in 2009-10. Steffens explained that the lack of maintenance on the ditch has caused flooding in his basement multiple times.

Pam Steffens- explained that the project in 2009-10 on 4<sup>th</sup> Street was paid for with tax payers funds. She also felt that the village should never have signed off on the horrible work completed by the contractor at the time.

Marcia Boynton- stated that she has spent over \$20k on work to her basement to resolve the drainage issues on her property and that she hoped that the village could come up with a solution to fix everyone's issues with the 4<sup>th</sup> Street drainage.

Village Attorney Ross Hammersley, Olson, Bzdok & Howard, PC- explained a process for a declaratory ruling request.

DPW Superintendent Chris Holton expressed his concerns with ruining relationships with people at the state.

Trustee Harper suggested putting out an RFP (request for proposal) to seek engineering solutions for the drainage ditch on 4<sup>th</sup> Street.

Trustee Harper **Moved, Supported by** Trustee Ager to seek an engineering firm to help resolve the drainage issues on 4<sup>th</sup> Street.

**Discussion:** Trustee Harper confirmed that he would like all the surrounding property owners affected by the drainage ditch to participate. **Roll Call Vote:** Yeas (7) Nays (0) **Motion Carried.**

### Seventh Street Road end signage:

President Wetherbee explained that his personal feeling was to leave the signage at the road ends alone. Trustee Ager disagreed and felt that the discussion about the signage had gone on long enough, and that the public was waiting response. Trustee Harper is in favor of keeping the current signage.

\*Trustee Ager **Moved** to make the road end signage an Action Item;  
THE MOTION FAILED DUE TO LACK OF SUPPORT.

### Scope of Northport Marina Paint Work:

President Wetherbee explained that the current paint work that was previously authorized to not exceed \$25k was coming in around \$11k. Wetherbee would like for Jerry Spears to continue painting the I-beams under the docks under the current not to exceed amount.

Trustee Cook was in support of keeping Mr. Spears moving ahead on his great painting job.

Trustee Harper was not in support of continuing work on docks and did not see a reason to preserve the metal. Harper would prefer to have floating docks. Harper also questioned if proper permitting had been pulled.

President Wetherbee concluded that the conversation needed to be tabled until all Council members had a chance to do some factfinding and visit the marina.

### Disposition of land at east end of 2<sup>nd</sup> St. right of way, adjacent to stream (Pentzein and Thompson)

President Wetherbee asked Clerk Scott to explain the disposition of the land at the east end of 2<sup>nd</sup> Street and the request made by Partick Thompson and Kay Pentzein to relinquish public property.

Clerk Scott provided the Council with the email and request from Kay Pentzein along with a diagram of the land in question. Scott noted the following;

1. This property is part of our road right of way on Park Street. And would require an easement if relinquished. Our ownership may be detrimental in the future.
2. This property has never been part of the vacation Second Street vacation by the village in 1961.
3. We would need to start the Plat amendment process over, extending the work by another two months.
4. Altering village property to enhance, benefit or add value to another property is not the role or responsibility of the Village to preferentially manipulate property values without a significant benefit to the village as a whole. In other words, there should be a financial benefit to the Village.

Patrick and Kay said that former administrations had given them permission to enhance the property. However, there was never any formal agreement between the Thompson, Pentzein's and the Village of Northport.

President Wetherbee suggested that all Council members needed to visit the site before making a determination.

### Participation in our Historic Halloween Hotdog Happening:

President Wetherbee asked for all Council members to let Community Liaison Edmondson know if they could help with this year's event from 4-7.

## **Action Items:**

### **Liquor License Resolution for Lynden Johncock:**

Trustee Harper **Moved, Supported by** Trustee Gale to approve the liquor license resolution as presented for 109 Nagonaba Street. **Discussion:** Trustee Ager asked how this license would differ from the current wine sales license. Mr. Johncock replied that this license would expand their options to sell both liquor and wine.

Roll Call Vote: Yeas (7) Nays (0) **Motion Carried.**

### **Approve, reject, or table “Maude Ct.” project:**

President Wetherbee opened up the discussion of pursuing the construction of “Maude Ct.” on 7<sup>th</sup> Street. The construction of the road would allow for the continuation of the development of 4 lots. Construction would include removal of trees for the road, initial grading, utility easement and road bed preparation for Maude Ct.

Trustee Harper **Moved, Supported by** Trustee Ager to table the decision to continue to develop the 7<sup>th</sup> Street project. **Discussion:** Trustee Harper and Trustee Ager felt that the village needed to have more public input and possibly a public hearing. Trustee McCann noted that during his time served on the Planning Commission that the residents on 7<sup>th</sup> Street were not in favor of a park and would like to see a continuation of residential homes. McCann also stated that the development followed Redevelopment Ready Community programs.

**Roll Call Vote:** Yeas (2) Trustees Harper, Ager Nays (5) President Wetherbee, Trustees Cook, McCann, Gremel and Gale. **Motion Failed.**

Trustee McCann **Moved, Supported by** Trustee Gremel to approve the construction of “Maude Ct.” Discussion: Trustee Gale offered to provide a timeline of the 7<sup>th</sup> Street project.

**Roll Call Vote:** Yeas (6) Nays (1) Trustee Harper. **Motion Carried.**

## **Payment of Bills:**

Trustee Ager **Moved, Supported by** Trustee Cook to approve payment of the bills for the month of September when funds become available in the amount of \$120,104.27

**Roll Call Vote:** Yeas (7) Nays (0) Absent (0) **Motion Carried**

## **Public Comments:**

**Kay Pentzein and Patrick Thompson-** stated that she felt that their request was misrepresented. **Anne Harper-** commented on her dismay with the money schedule to develop 7<sup>th</sup> Street (i.e., \$200K) stating that she was mystified by the cronyism that she felt Cindy, Joni and Trustee Gale developed on their own. Harper continued to point out that she was shocked by the lack of environmental awareness that appeared not to be considered in the development of the property and that there needed to be more public input. Harper also disagreed with the noncompetitive bid of \$25k for painting at the marina by Jerry Spears, stating that his previous contracts with the Village proved to be incompetent.

## **Council Comments:**

Hugh Cook- asked President Wetherbee to not allow for personal attacks of staff and Council members in the future.

Chris Holton- wished Trustee Cook a Happy Birthday.

Clerk Scott- Stated that she was sorry that Mr. Thompson and Ms. Pentzein felt misled explaining that their request needed to come before the Council as a whole for their consideration, and that President Wetherbee asked her to explain the process to relinquish the property.

## **Adjournment:**

Trustee Gale Moved, Supported by Trustee Harper to adjourn the meeting.

**Roll Call Vote: Yeas (7) Nays (0) Absent (0) Motion Carried**

The meeting was moved to adjourn at 10:38 pm

Several Citizens attended via zoom.

**Joni I. Scott, Village of Northport  
Clerk**