

President Christopher McCann called the meeting to order at 7:00 P.M.

Roll Call:

Council Members Present: President McCann Trustees: Ager, Gale, Harper, Peterson, Cavendish

Absent Members: Trustee Cook

Staff Present: DPW Superintendent- Chris Holton, Clerk/Zoning Administrator-Scott, Community Liaison/Treasurer/Deputy Clerk-Edmondson, and Harbor Master- Bill Rosemurgy

Approval of Meeting Minutes:

Trustee Gale Moved, **Supported by** Trustee Cavendish to approve the April 13, 2023 meeting minutes as presented. **Motion Carried.**

Approval of Agenda (amendments/additions):

The Council agreed by consensus to the agenda.

Correspondence:

Kevin Murphy- the need for a year-round bathroom in the business district

Laura Kalchik- sewer costs and a donation fund.

Thomas McDonald- Olean's Signage inappropriately dressed statue.

Cynthia Edmondson- communication with Betsy Coffia regarding sewer assistance programs

Susan Ager- communication with Heather Hettinger, DNR regarding grant programs.

EGLE- information provided on Dam regulations.

Public Comment:

Ryan Blessing- Blessing would like to see a CIP plan in place before proposing a millage and stated that there are a lot of people in the community that have lots of ideas, but that doesn't mean they are the right ideas. There are a lot of unintelligent people involved in this conversation that do not have the intellect or degrees and study in topics that they're even talking about. And it's very frustrating. Blessing feels that the village would just be well to sit on the topic of whether or not to remove the dam.

Campbell McLeod- commented that members of the public should be more polite to each other when discussing the pond. McLeod reported that the fishing derby was successful with families and children primarily from the Township. McLeod explained that the pond is controlled under the National Water Resource division, Part 301 and 303 and that the village is not following regulatory guidelines. McLeod said that because the Village needs to respond to the violation notice an additional \$9,000 is added to that cost to work from the engineers with GEI. McLeod suggested that maybe Ryan and the ponders want to pony up and pay the \$9,000 that was incurred during the fishing derby because now we have to respond to the violation that occurred.

John Weber- commented on the golf cart ordinance amendment that was added to the agenda and asked the Council to table the action for another date. Weber stated that if it's what he thinks it is, it's a common a few select people within the village community and doesn't benefit the community overall, and adds a lot of liability. Weber also pointed out that the social district language is a little vague, in terms of what it entails and what the objective is with it. Weber said that the combination of the golf cart amendments and the social district where two things raised a lot of concern for him and that the village would incur additional liability.

Tom Weber- commented on his concerns that there was no RFP put out for engineering services regarding the dam. Weber explained that an RFP that's written, can get out there to engineering firms with the professional credentials, who could look at that and say, that the work was in their wheelhouse. Weber is concerned that now the Village is looking at a \$9,000

additional bill, from the only people that through a phone call said yes, to looking at the dam. Weber requested that the violation notices be made public, and suggested that the State is watching the village closely.

Reports:

- A. **Interim Village Manager-** Chet Janik reported that his focus last week and this week had been to meet with the Council members and Staff. Janik explained that he needed feedback from the Council on two things. One was the Village Manager position and people's thoughts on the salary. Janik explained that he has started developing a brochure with a little background and history on Northport along with an ad that will be attached to the job description. Secondly, Janik asked for clarification if the Village would like to hire a staff person to fill the Zoning Administrator position or hire a firm on a contract.
- B. **Clerk** – Clerk Scott provided a financial report for the month of April in agreement with the Treasurer/Deputy Clerk.
- C. **Treasurer/Deputy Clerk/ Liaison** – Treasurer/Deputy Clerk Edmondson submitted a written report in agreement with the Clerk, along with a detailed revenue report. Edmondson reported that she had received the golf cart permit from the State.
- D. **DPW-** DPW Superintendent Holton provided a written report of the DPW activities for the month of April.
- E. **Employee Relations** – minutes from the April 19, 2023 meeting were provided. Trustee Gale reported that the Employee Relations Committee will be drafting a job description for a clerical person on a part time basis with a recommended salary range of \$18 to \$19 an hour for 20 hours a week. Trustee Ager questioned what the status of the Trustee/Staff incident investigation was. Chet Janik explained that he would begin an investigation once he had a written notice of what happened.
- F. **Finance-** Finance Chair Jane Gale provided minutes from the April 24, 2023 meeting. Gale noted that the committee went through the budget and recommend a salary range of \$60,000 to \$72,000 for the village manager position. The Council agreed by consensus to setting the salary for the Village Manager at \$60k-\$72K. Janik told the Council that the range should draw a candidate of a different caliber and hopefully secure someone long term.
- G. **Infrastructure-** Committee Chair Laura Cavendish reviewed her written report from the April 23, 2023 meeting with the Council.
- H. **Waterfront-** Waterfront Chair Hugh Cook provided minutes from their April 18, 2023 meeting. Harbor Master Bill Rosemugy provided a written report and noted that his biggest challenge is managing the marina with the construction project going on.
- I. **Planning Commission:** Planning Commission meeting minutes from the April 19, 2023 meeting were provided.
 - **Zoning Administrator**
Zoning Administrator Scott provided a report of her activities for the month of April. Scott asked for permission to pass on to legal counsel a draft PILOT ordinance. The Council was in agreement.
- J. **Parks and Trails:** minutes from the April 20, 2023 meeting were provided. McCann asked the Council to agree by consensus to seeking grants to fund a playground structure project. Trustee Cavendish expressed her concerns with starting another project that was not identified as a top priority on the CIP and would be in addition to many other unfunded projects. The Council agreed by consensus to proceed with seeking grant opportunities for a playground project.
- K. **NLTUA:** NLTUA Chair McCann reported that the Village and NLTUA Board had approved an amendment back in 2021 to the Articles of Incorporation

changing the time of the Annual meeting and that the Township just needed to take action on it. McCann also reported that the sewer main project on North Shore Drive was complete. The NLTUA Board is waiting for the Township to assign a member to the Board which may happen at their next regularly scheduled meeting.

Ongoing Business:

A. Plat Amendment:

The Council received a bill for the dismissal of the lawsuit from David Bieganowski, PLC in the amount of \$675. JFK Land Surveying provided an invoice in the amount of \$526.25 for work not invoiced prior to the village taking action to stop the process. Mr. Korr also provided a quote of \$1,200 to place the current survey work on a CAD file to create a certificate of survey. This process would place everything on record for the public and surveyors in the future as to what is represented in the ground.

Trustee Harper stated that Mr. Korr was making new legal conclusions in his letter that he was not qualified to make. Harper said that Korr was not an attorney, and that he is a surveyor and that he doesn't stay in his lane. Harper said that he did not want to spend the additional \$1,200 to file the CAD survey. Harper continued by saying that Mr. Korr is not telling the Council in his letter that the monuments that he went out and placed, didn't change anything, and that they were all within a 10th of an inch of where the other monuments were. Harper said that there was no reason to file survey. Harper pointed out that in the letter from Mr. Korr it said that this left him in a very precarious situation, but didn't say why. Harper continued that he didn't see anything in the letter that compelled him to spend any more money, and that he took offense to the fact that Mr. Korr wouldn't just give the village the file and was kind of holding the village hostage for the remaining \$525. Harper said the he never wanted to do business with this guy again.

Trustee Ager said that her understanding of the letter was that he did all this work for the village and that we don't get really not much from it, but we can get the 2022 and 2023 surveys. Ager explained that if something comes up in the future, the village would have all the data recorded.

Trustee Harper disagreed and said that it didn't serve any purpose to record the plat ever in the future. Harper suggested paying \$525 to get the file and for the village to not pay for anything else.

Trustee Harper **Moved, Supported by** Trustee Cavendish to pay the outstanding balance with John Korr in the amount of \$526.25 and to pay the final invoice to the honorable David Bieganowski in the amount of \$675.

Discussion: Trustee Ager asked if the village received further information on the \$1,200 expense if it could be approved later? Trustee Gale said that the village could have a different representative file it with the County. Trustee Ager asked Trustee Harper if he could file it for the village? Trustee Harper declined stating that it wouldn't be appropriate.

Roll Call Vote: Yeas (6) Nays (0) **Motion Approved.**

Discussion Items:

A. Northport Social District:

President McCann provided a draft Operations and Maintenance Plan and resolution for a Social District in Northport. The Council discussed; what parking lots would be included, local enforcement, trash removal and possibly requiring compostable cups.

B. Zoning Administrator Search:

President McCann reported that he heard back from Tim Cipher's office, and they are not going to be able to assist the village with a temporary Zoning Administrator. President McCann told the Council that ZA Scott has agreed to stay on for a little while longer until the village can fill the position. Interim Village Manager Janik reported that he will continue searching for a Zoning Administrator through contacts that he has received or companies that can be contracted to do the work. Trustee Harper liked the idea of the Village Manager also being the ZA possibly.

C. Public Restrooms:

The Council received a letter from Mr. Murphy, owner of New Bohemian asking the village to consider making an intown bathroom facility a priority for the business district. The Council discussed the Capital Improvement Project scoring (CIP) and the cost which ranged from \$80k-\$125,000 and the lack of funding. There was a brief discussion of business owners chipping in privately to place portable outhouses in the downtown municipal parking lot for the summer.

Action Items:

A. GEI Updated Estimate:

Trustee Ager **Moved, Supported by** Trustee Harper to approve the additional funds of \$12,000 for the GEI survey work on the dam *pending review by the village attorney.*

Discussion: Trustee Ager clarified that she was the one that helped the village select Dan DeVaan with GEI who is an expert with this type of work. Trustee Ager said that she was upset with the additional costs and didn't understand why the village DPW didn't do the proper things. Trustee Harper said that the additional engineering may have been needed just to get the first violation taken care of and that the second violation wasn't necessarily the straw that broke the camel's back. Trustee Harper said that he felt that it was just a series of unfortunate of events and that there has been a lot of pressure to get the fishing derby going. The Board discussed getting a clarification on the violation notice from the village's legal counsel. *Trustee Ager amended her motion to include the review by the village attorney. Trustee Harper supported the amendment.

Roll Call Vote: Yeas (6) Nays (0) Motion Approved.

B. Planning Commission Appointments:

President McCann nominated Kathy Wessell to the Planning Commission.

Trustee Gale **Moved, Supported by** Trustee Cavendish to approve the appointment of Kathy Wessell to the Planning Commission.

Roll Call Vote: Yeas (6) Nays (0) **Motion Approved.**

Planning Commission Appointments Continued.

President McCann nominated Virginia Foley to the Planning Commission.

Trustee Harper **Moved, Supported by** Trustee Cavendish to approve the appointment of Virginia Foley to the Planning Commission. Discussion: Trustee Cavendish asked if Virginia's questions in her email had been answered. President McCann responded that he had talked with her.

Roll Call Vote: Yeas (6) Nays (0) **Motion Approved.**

President McCann nominated Gretchen French to the Planning Commission with a June 1, 2023 Starting date.

Trustee Harper **Moved, Supported by** Trustee Gale to approve the appointment of Gretchen French to the Planning Commission with a June 1, 2023 starting date and a term that ends 3 years from April.

Roll Call Vote: Yeas (6) Nays (0) **Motion Approved.**

C. Golf Cart Ordinance Amendment:

Trustee Harper provided the amendments to the Golf Cart Ordinance to allow low speed vehicles on the section of M-201 that runs through the village as allowed by MDOT Golf Cart Corridor Permit with a speed limit of 25 mph or less.

Trustee Harper **Moved, Supported by** Trustee Peterson to adopt Ordinance 97 an ordinance that regulates the use and operation of low-speed vehicles as amended. Discussion: Trustee Ager asked if golf carts would be allowed in the South Park area? Trustee Harper replied "no" but that people could park in the cul-de-sac area, but not on the grass. Trustee Gale said that she had a lot of misgivings about safety and sees a social district with golf carts a potential for disaster. **Roll Call Vote:** Yeas (4) Trustee Harper, Peterson, Cavendish and President McCann Nays (2) Trustees Ager and Gale **Motion Approved.**

D. Fee Schedule:

Trustee Gale **Moved, Supported by** Trustee Ager to adopt the fee schedule *with the street closure fee to only apply to major streets*. **Discussion:** The Council had a discussion about the street closure fee only applying to major roads. *Trustee Gale **amended** her motion to adopt the fee schedule with the street closure fee only applying to major roads. Trustee Ager supported the amendment.

Roll Call Vote: Yeas (6) Nays (0) **Motion Approved.**

Payment of Bills:

Trustee Harper **Moved, Supported by** Trustee Ager to approve payment of the bills for the month of April when funds become available in the amount of \$122,861.65 **Roll Call Vote:** Yeas (6) Nays (0) Absent (0) **Motion Approved.**

Public Comments:

Yvonne Nordstrand- questioned the fee for sexually oriented business licenses.

Campbell McLeod- commented his support for the new housing development, marina parking lot construction, NLTUA Board members, NLTUA Audit and fees, and the social district.

John Weber- commented on the social district expanding the drinking of alcohol consumption, Golf Cart ordinance amendment being approved and not allowing time for the public to comment on it, and the need for more dialog on the Mill Pond Dam.

Tom Weber- Thanked Trustees Ager and Gale for voting “no” on the golf cart ordinance. Weber also commented on the need to involve the State Police and local sheriff in on the social district, the need for public restrooms that are ADA compliant, the Zoning Administrator pay being to low to get a professional. Weber also commented on the \$1,200 to register the survey work for the plat amendment and the additional \$13,000 for the dam violation response.

Council Comments:

Trustee Harper- commented that someone was implying that he had been cited for driving a golf cart out of the jurisdiction which was 100% false and that all of his vehicles are licensed with license plates and insurance and can go anywhere speed limits are less than 35.

Trustee Cavendish- commented on the need to confirm that a social district is allowed on a state trunkline, thanked Chair Arbury for her efforts on the Planning Commission, and thanked Kathy Wessell for her willingness to continue serving on the Planning Commission. Cavendish also stated that she is looking forward to working with Virginia and Gretchen and glad that they volunteered.

Trustee Peterson- commented on the Mill Pond and the violation that the village received, stating that Mr. Holton told everyone in a public meeting that he was going to put the boards back in the dam “no mater what”, and that nobody on the Council said anything. Peterson said that she thought it was incumbent on the council to learn from something like that because now the village is looking at spending an additional \$13k.

President McCann- Apologized to the Council for his lack of leadership, stating that he knows that his shortcomings are not wanting to deal with certain situations. McCann also apologized to Trustee Cavendish for his conversations with her after the last meeting. McCann said that he feels that things will get better with Chet Janik being involved to help move the Council and Community in a direction that will set the village up for success. McCann said that he will continue to try and do better as the Village President.

Adjournment:

Trustee Ager Moved, Supported by Trustee Harper to adjourn the meeting at 9:26 pm.
Motion Carried.

Several Citizens attended via zoom.

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