Village Manager Report
August 8, 2024

1. **Hospital Demolition.** Work is progressing. Exterior demolition is active. Progress as expected. No issues for DPW since capping of water and sewer services.

2. **Mill Pond.** In cooperation with the DPW staff we are revising the last response to EGLE to specify objective criteria for maintenance and when a drawdown of impounded water is allowed. We are informed that EGLE's enforcement authority is derived from NREPA Part 301, the regulation of inland lakes and streams, rather than part 315, dam safety. We do not expect any further enforcement issues related to the water release that occurred in 2023.

3. **Playground Equipment.** I have confirmed with the vendor that the equipment has been ordered, and delivery to the installer will occur around the end of August. Installation is expected to occur during the first two weeks of September.

4. **4th Street.** Work is scheduled to begin after Labor Day.

5. **Nuisance Ordinance.** As previously indicated, we are presenting for review and discussion a draft village nuisance ordinance intended to supplement, or replace, provisions of the zoning ordinance that regulate excessive noise and light intrusion on adjoining property. The draft presented shows all portions of the ordinance related to light. These provisions are highlighted in yellow. They were added as an amendment to the existing Township Ordinance in 2021. Those portions of the ordinance highlighted in green are changes or additions that I recommend for your consideration. I believe the section concerning noise nuisances requires some objective criteria to limit the discretion of the enforcement officer. Something as simple as "any sound that is audible in an enclosed structure after 11pm" might work. Alternatively, criteria based on a specific decibel level could be used if we had measuring equipment. A police power nuisance ordinance is preferable to one based on zoning power since it is not limited to enforcement against the property owners. Finally, I have suggested a provision that is not currently found in the Township nuisance ordinance. That is the regulation of natural conditions that have the potential for endangering the safety of persons or damaging the property of others. A case in point would be a tree limb that has died and is in danger of falling. I have had several complaints about conditions on private property that endanger the property of adjoining property owners. Such natural conditions cannot be considered nuisances unless they are prohibited by ordinance or statute. Also, enforcement occurs only after notice and an opportunity for the property owner to abate the nuisance. I did not include, but you may wish to consider a provision that allows the Village to remove such conditions, and charge that expense to the property owner, collectible through the tax lien process.

6. **Replacement of Debit Card with Credit Cards.** Adoption of the resolution and policies proposed tonight will allow us to transition away from the debit card to a credit card. program.

7. **Zoning Administration**. No land use permits have been issued since the last Village Council meeting. If the proposed front yard setback variance requested for the Vaughn property is approved, I would expect issuance of a land use permit to complete the project described.

8. **Marina No Swimming Signage.** The harbormaster's report this month describes the placement of no jumping or swimming from the marina signs. Placement of these signs was authorized by the Waterfront Committee at its July meeting. After that meeting, but before the signs were placed, an incident occurred where several young people were told by the harbormaster that jumping off the marina wall was not allowed. A parent complained to me about the manner in which the harbormaster treated these young people and the appropriateness of the action taken to prohibit jumping from the marina wall, since there were no prohibiting signs yet in place. I have discussed the incident with the harbormaster. He concurred that the words he used with these young people were unnecessarily harsh. I believe that the placement of the no swimming signs will reduce the possibility that a similar incident will recur in the future.

9. **Public Hearing on Zoning Board of Appeals Variance**

A detailed Staff report has been provided concerning the proposed variance. As Zoning Administrator, I recommend approval of the variance because it will allow the continuation of an existing and well-established 12-foot front yard setback that is currently inconsistent with the zoning ordinance requirement of a 20-foot setback. The staff report provides detailed reasons why the criteria for a variance have been proven. However, fundamentally the application of a 20-foot setback in this instance has no reasonable basis and would be unfair to the property owner since it would require demolition of the existing structure in order to move it back eight feet. As detailed in the staff report the subject property is the only residential property in that block that would be subject to the 20-foot setback, the existing setback is consistent with adjoining properties and requiring a set 20-foot setback could serve no reasonable regulatory purpose. Granting the variance would allow the renovation and reuse of an existing structure and restore it in a manner consistent with its historical past.

The process for the public hearing is as follows:

1. Open the public hearing.

2. Presentation by the applicant, or a review of the Application.

3. Public comment concerning the Application.

4. Close the public hearing.

5. Motion to Approve the Application. (A motion to approve is always best since there is no possibility of a double negative vote, and the confusion that occurs when a no vote is needed to approve the variance. Roberts Rules of Order does not require a council member that proposes a motion to vote in favor of that motion.)

6. Discussion on the Motion to Approve.

7. Action on the Motion (May include a vote on the main motion, a motion to amend, table, etc.)

   <u>POTENTIAL MOTION</u>

   I move that the Northport Village Council approve, by resolution, the Application for a dimensional variance to permit a 12-foot front yard setback for the property located at 205 East Third Street.

10.Agenda Items Pending Discussion

a. **Village Nuisance Ordinance**. The proposed ordinances described above I would look for a discussion of the need for regulating light intrusion, noise disturbance, provisions to provide for objective enforcement criteria, and the general need for such an ordinance in the village.

b. **Review of Capital Improvement Plan (CIP) Draft 1**. We are presenting to you for the first time a copy of the draft CIP that will be sent to the Planning Commission, as required by the Michigan Planning Act. We are creating an all-inclusive, continually updated, list of the capital needs of the Village to inform the budget process over the next five years. I am providing a copy to the Council now, so you have plenty of time to review, and if desired provide comments, suggest modifications, or propose other projects.

   To begin the process, I am asking the Village Council to formally refer this list to the Planning Commission to consider each of these projects on a three criteria scale, as follows: (1) Does this project address a serious safety problem or potentially impact the liability or contractual obligations of the village? (2) Does the project affect a broad cross section and a significant number of Village residents and the general public? (3) Is there a serious chance that delaying the project will result in a significantly increased cost for the Village?

   The Planning Commission will answer each question yes or no and provide a numeral rating between 0 and 3. This will begin the process of ranking these projects for budgetary consideration. Following Planning Commission review, we will have a review by staff and a final review by the Village Council, where we can more seriously consider the availability of funding and alternatives such as installment contracts and bonding. We hope to complete this process by the end of 2024, in plenty of time for the 2025-2026 budget process.

11. Agenda Items Pending Action

a. **Item 10A - Village Credit Card Usage Policy.** A draft credit Card policy is attached. The policy makes the Village Manager responsible for managing the credit card program and sets the credit card limit at no more than 5% of the general fund budget. The policy draft is an adaptation of a policy recommended by the Michigan Municipal League.

POTENTIAL MOTION

I move that the Northport Village Council approve the proposed Village Credit Card Usage Resulution and Policy as presented.

b. **Item 10B – Village ACH Electronic Transfer Policy.** A draft ACH policy is attached. The policy provides that the Village Clerk and the Village Manager have authority to initiate ACH agreements with banks and vendors. The Village Clerk handles initiating the ACH, which is reviewed and approved by the Village Manager. A monthly report is provided to the Village Council, which may be part of the cash reporting process currently in place.

POTENTIAL MOTION

I move that the Northport Village Council approve the proposed Village ACH Electronic Transfer Policy, as presented, and further authorize the Village Clerk and Village Manager to enter into ACH agreements, as necessary.

c. **Capital Improvement Process Evaluation Process.** See discussion item 8 (b), above.

POTENTIAL MOTION

I move that the Northport Village Council refer the Draft Capital Improvement Program to the Village Planning Commission for consideration and comment, which shall include at a minimum the three-point evaluation criteria process, as presented.

"Our goal is Persistent Positive Action; to live in the future, and only learn from the past."