PLANNING COMMISSION (PC)

REGULAR BOARD MEETING

August 21, 2024

6:00 PM – 8:00 PM

AGENDA

I. Call to Order and Roll Call
II. Approval of Agenda
III. Approve June 19, 2024, meeting minutes.
IV. Correspondence
V. Public Comment
VI. Reports
- **a. Zoning Administrator Report**
- **b. Village Trustee Report**
- **c. Tree Committee Report**
- **d. Infrastructure Committee Report**

VII. Old Business:
- **a. None**

VIII. Discussion Items
- **a. Review, Discuss and Provide Feedback on the Draft Nuisance Ordinance.**
- **b. Review Comments and Data from the Master Plan Survey**

IX. New Business
- **a. Recommendation to Village Council to Retain a Consultant to Assist with the Master Plan Statistical and Demographic Material**
- **b. Formation and Appointment of Master Plan Drafting Sub-Committee.**
- **c. Review of Draft CIP and Review Criteria from Village Council**
- **d. Motion to Elect Temporary (through November 2024) Planning Commission Chair**

X. Public Comment
XI. Board Member Comments
XII. Adjournment

PLANNING COMMISSION (PC)

REGULAR COMMISSION MEETING

June 19, 2024

6:00 PM – 8:00 PM

MINUTES

1. Call to Order, Roll Call

Acting Chair J. Woomer called the meeting to order at 6:02 p.m.
Commissioners present: L. Cavendish, J. Gale, B. Newell, K. Wessell and J. Woomer
Present via Zoom:
Absent: H. Scott
Staff present: J. Dyer, Zoning Administrator
Public present: 2 via Zoom

2. Approve May 15, 2024 meeting minutes.

a. Motion by L. Cavendish to approve the minutes as presented, seconded by B. Newell. Motion carried.

3. Additions or corrections to agenda

Add discussion items: New VIII.a. Pause work on Master Plan Goals and Proposed Language Revisions; New VIII. e. Update on the Joint Planning Commission. Motion by B. Newell to approve the agenda as amended, seconded by K. Wessell. Motion carried.

4. Correspondence

None

5. Public comment

None

6. Reports

a. **Zoning Administrator Report** - The full Village Manager's report was included in the packet. Mr. Dyer provided clarification on the "land swap" with the Township that is under consideration. Any such swap will need DNR approval, ensuring that the parcels are of comparable value. Appraisals are underway by a firm on the DNR-approved list.

Costs will be split by Village and Township. It is uncertain whether ownership will change hands, how much of the 7th Street parcel would be designated for public use or precisely how the land would be protected (through a deed restriction, placement into a conservation district, designation as a public park, etc.). Some of the options are reversible, while another might be more permanent, L. Cavendish noted that social media posts are inaccurate and misleading. Dispelling misinformation is difficult until the outstanding questions are answered. Mr. Dyer encourages citizens to contact him directly with questions.

b. **Trustee Report** - A written report was included in the meeting packet. The commissioners discussed the questions posed to the village council seeking direction on outstanding zoning issues. L. Cavendish offered that future proposed changes should be placed in context to help Trustees understand the changes more fully. It was apparent that some of the Trustees were not familiar with the proposed amendments. Mr. Dyer will provide a red-lined copy of the complete sentence/phrase in the future. He also plans to have a final "clean" copy of the proposed Zoning Ordinance ready for the July Village Council meeting.

c. **Tree Committee Report** - B. Newell purchased 18 trees with proceeds from the can and bottle return funds. Sites have been identified and DPW will assist with planting as time permits. The committee will not meet during the summer months.

d. **Infrastructure Committee Report** - L. Cavendish gave a brief verbal report. Much of the work of the Infrastructure Committee is contained in the Village Manager's report. The water rate study is nearing completion.

7. Old Business

None

8. Discussion Items

a. Pause work on the Master Plan Goals and Language Revisions

K. Wessell asked to place this discussion on agenda following conversations she has had with professional planners and a township planning commissioner. The commissioners discussed which portions of the revision process could be handled internally and which might need planner expertise. It was agreed that a consultant would be needed to update demographics and statistics. It was also agreed that it would be prudent to fill the vacancies on the commission before working further on language revisions. The commissioners agreed to place a 60-day hold on revisions and study the results of the citizen input questionnaire over the next two meetings.

b. Review and Discussion of Master Plan Goals and Proposed Language Revisions

Mr. Dyer will revise the master plan timeline to reflect the 60-day pause.

c. Discussion of 2024 Master Plan Citizen Input Questionnaire

K. Wessell has reviewed all of the paper questionnaires and flagged 38 that were signed. Mr. Dyer agreed to contact those individuals over the next 60 days to determine whether they had additional input or questions. The raw data reveals that housing and environmental protection are recurring themes. The majority of the respondents are longtime, year round residents. J. Gale will add data from the four questionnaires that were delayed due to incorrect address. L. Cavendish, Mr. Dyer and Clerk Scott will have access to the data and will create graphs, tables or other forms of visual display.

d. Discussion about updating the Statistics portion of the Master Plan

As noted above, the statistics portion of the Master Plan will be completed by a professional consultant.

e. Joint Planning Commission Update

Mr. Dyer and Township Supervisor McMillan have conferred with a number of housing experts and have reached the conclusion that the Village and Township would be best served by entering into an agreement to form a joint planning commission to oversee land use on parcels to be identified in advance by both entities. Once the land parcels have been agreed upon, the joint commission would meet as needed when developers express interest in a project.

9. New Business

a. As suggested by the Commission

None

10. Public Comment

a. Joann Geha asked to have meeting recordings available online. She also believes the Village Council made a decision in March to leave the 7th Street property in its natural state.
b. Kay Pentzien has questions about the sequencing and timeline for completing the Master Plan and Zoning Ordinances. Mr. Dyer will meet with her individually if she has remaining questions.

11. Board member comment

L. Cavendish asked to have recordings of the PC meetings added to the YouTube channel as soon as possible, noting that the commission is discussing several matters of great public interest. Old recordings were being saved to thumb drives to make room for new recordings. She also commented on the need to update/upgrade the Village website. Staff are aware of both issues and will try to address them as time/resources permit.

12. Adjournment

Motion to adjourn by B. Newell, seconded by K. Wessell. Meeting adjourned at 7:57 p.m.

Submitted by,
Jane Gale,
Secretary

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."

Trustee's Report to the Village Planning Commission
July 2024

The regular meeting of the Village Council was held on June 11. 2024.

Clerk Scott submitted the monthly bill sheets and cash reconciliation statement.

Treasurer Simons mailed tax statements and village calendar of events on June 26. The blood drive exceeded targets with 30 appointments and 26 pints collected. The next drive will be held on September 27.

DPW Superintendent Holton provided a written report. Highlights include:

- Assisted Commissioner Newell in planting several trees.
- With the County Road Commission, completed dust control treatment of gravel roads.
- Obtained bids for 4th Street drainage mitigation project.
- Oversaw closure of High Street and termination of utilities at the old hospital as demolition begins.
- Coordinating with Leelanau Community Energy, LLC on removal of the wind turbine tower.
- Plans to build a small pedestrian bridge over the stormwater retention basin at the north of the marina parking lot were placed on hold pending more information on cost, ADA accessibility, alternatives and funding sources.

The Harbormaster provided a written report that included the following items:

- Boat Traffic: Boat traffic remains about 10% below expected levels. Other area marinas are down as well.
- Swimming Buoys: The swimming buoys have been installed at South Beach. Buoys at Haserot Beach will be placed when the anchors arrive.
- Goose Control: The geese are back, but the issue is manageable.
- Incidents: On July 7, a dock hand noted a minor gas spill at the Marina, estimated at less than one cup. Emergency Services were unable to determine the source.

Manager Dyer provided a written report highlighting several items for discussion and/or action. Other updates include:

- DNR has met with representatives of each entity to discuss the 7th Street land swap with theTownship and parameters for a joint maintenance agreement were discussed. Appraisals of the parcels in question are underway and DNR offered suggestions on how the appraisals would be evaluated.
- Excavation has begun at the old hospital site and exterior demolition should start soon.
- EGLE was on site at the Mill Pond July 8. No further enforcement action will occur following last year's accidental drawdown. Permit applications submitted last June to begin repairs, will be revised based on EGLE recommendations. If approved, measured and controlled drawdowns as necessary to maintain the pond level and assure continued downstream flow over five years.
- Recommended approval of a vendor permit to allow a mobile business to rent e-bicycles on two non-consecutive Saturdays between July 20 and the end of August. Trustees agreed with the recommendation.

Finance Committee minutes from June were provided. There was no July meeting.

Infrastructure report was provided by Chair Cavendish, highlighting work on the wind turbine removal and progress on developing a CIP.

Minutes from the June Planning Commission meeting were provided.

The following items were discussed by the Trustees:

- The Manager proposed creation of a number of financial policies to align with audit recommendations and clarify authority. Trustees asked staff to begin drafting policies for review by the Finance/Budget Committee.
- There was a robust discussion of the current structure of the Village Council with several standing committees that meet on a monthly basis and bring recommendations to the full council for discussion/action. The Manager has proposed elimination of routine committee meetings, with the exception of Budget/Finance which could meet quarterly. The Council could instead meet twice per month with the first meeting devoted to proposals and discussion, the second meeting would focus on actions/decisions. The Trustees reached consensus that two evening meetings per month should be further studied by staff with a more detailed proposal to follow.

- The Manager has studied options for providing additional public restrooms in the downtown business district. The Planning Commission has included public restrooms on the CIP for several years. Trustees do not wish to see Port-a-Johns. Mr. Dyer has pricing information on a moveable, multiple unit restroom facility that could be placed in the municipal lot on Waukazoo. Scheduled maintenance is included. A six-month lease offered a break in pricing on a weekly basis, but the Trustees did not believe restrooms would be needed into January. Mr. Dyer was directed to pursue a lease not to exceed $7,500 beginning as soon as possible and terminating after Labor Day.

The following actions were taken by the Trustees:

- The 2024 Zoning Ordinance was approved with the three approved amendments that address treatment of existing residential structures in the Core Commercial District, establish light pollution limits in accessory structures with smaller setbacks and make technical corrections identified by the Planning Commission. The Trustees referred the matter of language regarding shoreline setback restrictions back to the Planning Commission.
- Accepted the bid of Kal Excavating as the lowest responsible bidder, awarded the contract, authorized the proposed budget transfer, and authorized the Village Manager to sign the contract and all necessary documents to complete the project.
- Approved a motion to appropriate up to $15,000 and directed the Village Manager to organize a Village trash collection event to occur prior to September 30, 2024 if possible.
- Scheduled a hearing on August 8, 2024 to consider two zoning variance requests.

Prepared by Jane Gale

Trustee's Report to the Village Planning Commission
August 2024

Regular meetings of the Village Council were held on July 11 and August 8. 2024.

Clerk Scott submitted the monthly bill sheets and cash reconciliation statements for June and July. She assisted with the development of financial policies and processed quarterly water bills. Ms. Scott announced that the 16-month audit will be conducted in late September. She will be creating a visual display of bottle/can deposit collected and trees planted with the funds.

Treasurer Simons mailed tax statements and village calendar of events on June 26. Fireworks donations totaled $8,637.39, about half the cost. The next blood drive will be held on September 27.

DPW Superintendent Holton provided a written report. Highlights from June include:

- Assisted Commissioner Newell in planting several trees.
- With the County Road Commission, completed dust control treatment of gravel roads.
- Obtained bids for 4th Street drainage mitigation project.
- Oversaw closure of High Street and termination of utilities at the old hospital as demolition begins.
- Coordinating with Leelanau Community Energy, LLC on removal of the wind turbine tower.
- Plans to build a small pedestrian bridge over the stormwater retention basin at the north of the marina parking lot were placed on hold pending more information on cost, ADA accessibility, alternatives and funding sources.

July highlights:

- Completed temporary repair of a sinkhole at the Rose/2nd Street culvert and placed load limit signs.
- Will seek bids for tree service in the Village right-of-way this fall.
- Completed required lead and copper testing of the municipal water system.

The Harbormaster provided a written report that included the following items from June:

- Boat Traffic: Boat traffic remains about 10% below expected levels. Other area marinas are down as well.
- Swimming Buoys: The swimming buoys have been installed at South Beach. Buoys at Haserot Beach will be placed when the anchors arrive.
- Goose Control: The geese are back, but the issue is manageable.
- Incidents: On July 7, a dock hand noted a minor gas spill at the Marina, estimated at less than one cup. Emergency Services were unable to determine the source.

July updates include:

- Traffic rebounded from June levels.
- Haserot beach swim buoys were installed.
- Painted signage along east and south breakwalls noting: NO DIVING OR JUMPING. Life rings are being added.
- Arranged treatment for hot-weather related algal bloom.

Manager Dyer provided a written report highlighting several items for discussion and/or action. Other updates from both June and July include:

- DNR has met with representatives of each entity to discuss the 7th Street land swap with theTownship and parameters for a joint maintenance agreement were discussed. Appraisals of the parcels in question are underway and DNR offered suggestions on how the appraisals would be evaluated.
- Excavation started at the old hospital site in late June and exterior demolition should be completed by the end of August.
- EGLE was on site at the Mill Pond July 8. No further enforcement action will occur following last year's accidental drawdown. Permit applications submitted last June to begin repairs, will be revised based on EGLE recommendations. If approved, measured and controlled drawdowns as necessary to maintain the pond level and assure continued downstream flow over five years.
- Recommended approval of a vendor permit to allow a mobile business to rent e-bicycles on two non-consecutive Saturdays between July 20 and the end of August. Trustees agreed with the recommendation.
- New playground equipment will be installed in early to mid-September.
- Work on the 4th Street drainage issue is scheduled to begin after Labor Day.

Finance Committee minutes from June were provided. There was no July meeting.

Infrastructure report was provided by Chair Cavendish, highlighting work on the wind turbine removal and progress on developing a CIP in June. In July the committee focused on a sidewalk management/repair/replacement program, a hydrant replacement schedule and evaluating an alternate GIS product.

Minutes from the June Planning Commission meeting were provided. There was no meeting in July.

A public hearing was conducted to hear a variance request for the property at 205 E. 3rd Street. A comprehensive report was prepared by staff and the property owner and project architect presented their proposed plan and answered questions. There were no public comments. The Village Council, sitting as the Zoning Board of Appeals approved the variance, allowing a 12-foot front setback.

The following items were discussed by the Trustees in July:

- The Manager proposed creation of a number of financial policies to align with audit recommendations and clarify authority. Trustees asked staff to begin drafting policies for review by the Finance/Budget Committee.
- There was a robust discussion of the current structure of the Village Council with several standing committees that meet on a monthly basis and bring recommendations to the full council for discussion/action. The Manager has proposed elimination of routine committee meetings, with the exception of Budget/Finance which could meet quarterly. The Council could instead meet twice per month with the first meeting devoted to proposals and discussion, the second meeting would focus on actions/decisions. The Trustees reached consensus that two evening meetings per month should be further studied by staff with a more detailed proposal to follow.
- The Manager has studied options for providing additional public restrooms in the downtown business district. The Planning Commission has included public restrooms on the CIP for several years. Trustees do not wish to see Port-a-Johns. Mr. Dyer has pricing information on a moveable, multiple unit restroom facility that could be placed in the municipal lot on Waukazoo. Scheduled maintenance is included. A six-month lease offered a break in pricing on a weekly basis, but the Trustees did not believe restrooms would

be needed into January. Mr. Dyer was directed to pursue a lease not to exceed $7,500 beginning as soon as possible and terminating after Labor Day.

The following items were discussed at the August meeting:

- Mr. Dyer presented a draft Nuisance Ordinance based on the Leelanau Township ordinance and gathered feedback specific to the excess noise provisions. The consensus was to proceed with a police power ordinance and to draft language to regulate noise between the hours of 11:00 p.m. and 7:00 a.m.
- A final draft of the Capital Improvement Program list was shared prior to review by the Planning Commission. Several trustees encouraged the addition of land acquisition for attainable housing. The Trustees reviewed the process the commissioners will use to rate and rank the CIP projects.

The following actions were taken by the Trustees in July:

- The 2024 Zoning Ordinance was approved with the three approved amendments that address treatment of existing residential structures in the Core Commercial District, establish light pollution limits in accessory structures with smaller setbacks and make technical corrections identified by the Planning Commission. The Trustees referred the matter of language regarding shoreline setback restrictions back to the Planning Commission.
- Accepted the bid of Kal Excavating as the lowest responsible bidder, awarded the contract, authorized the proposed budget transfer, and authorized the Village Manager to sign the contract and all necessary documents to complete the project.
- Approved a motion to appropriate up to $15,000 and directed the Village Manager to organize a Village trash collection event to occur prior to September 30, 2024 if possible.
- Scheduled a hearing on August 8, 2024 to consider two zoning variance requests.

And in August:

- Approved the Village Credit Card Usage Resolution and Policy.
- Approved the Village ACH Electronic Transfer Policy. Both of these policies will be helpful for the upcoming audit.
- Referred 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.

Prepared by Jane Gale

VILLAGE OF NORTHPORT

July 2024 Infrastructure Report

for Village Council August 8th, 2024 Meeting

Information Update:

1. **Old Hospital Demolition:** Demolition of the old hospital buildings and other out buildings on their property has been continuing by the owners and their private contractors. Contractors have been good communicators with the DPW and the project has been proceeding smoothly from the village's perspective. The one aspect that may need to be considered in the future is potentially changing the end of High Street, as they are experiencing a number of people driving into the site, as a drive through, despite it being private property with signs posted.

DPW Work in Progress:

1. **Fire Hydrant Replacements:** Committee discussed the scheduling of fire hydrant replacements, included in the budget year. DPW has identified the hydrants they would prioritize for replacement, and discussed possibly extending lines and adding two additional hydrants in locations currently without coverage. Staff will be working to get prices and further information on these hydrant locations for our next meeting.

1. **Sidewalk Maintenance:** Committee discussed the sidewalk maintenance and how DPW prioritizes and schedules those improvements. Discussions focused particularly on sidewalks that have at least a 1" lift due to tree growth. A top priority is the sidewalk area between Faro and Tom's. DPW shared that there could potentially be a water leak underground, fueling that trees growth beyond the other trees on the street that were all planted at the same time. With this in mind, Chris H felt that beyond just grinding the concrete, that excavation and examination may be warranted there. Staff was going to work on further information regarding the timing and progress of getting some of this maintenance scheduled.

2. **Wind Turbine Site:** Trash cleanup on the south end of the site still needs cleaned up.

3. **GIS Mapping:** The village manager had information about a new software program that may be something the village should consider working with. It could potentially integrate both our water, sewer, current GIS mapping, STRs, assets, and more. It appears to be very economical with a yearly fee of a little over $1000 and unlimited users allowed. However, further research is being completed by staff to determine if information can be uploaded, or if all would have to be entered manually, as well as contacting other communities using the program, to get their impressions of the program.

4. **Fourth Street Drainage:** The contractor, Kal Excavating, was approved by Village Council to complete the work. Staff is working to confirm start dates and other necessary details.

5. **Rose Street Culvert:** The existing culvert is showing further deterioration, and this project needs to be brought back to attention. DPW is working to update the contractor bids for this project and has asked Prein & Newhof to look into any grants that may be available. Current bids from February have the project costs between $200-250k. Need to either find funding through the budget, or grants, but the project is waiting for funding to move forward and needs to happen as soon as possible.

Committee Work in Progress:

6. **Capital Improvement Plan (CIP) Scoring and Compilation:** The committee continued discussions on CIP projects, what council members would want to see included about infrastructure projects, and how best to proceed with this process, and the prioritizing and selection of projects. Our goal will be to have a fully developed CIP with more detailed reports for each project by the 2025-26 fiscal year.

7. **Old Mill Pond:** The village manager and DPW superintendent met with EGLE representative Robyn Schmidt

and discussed a number of issues regarding the village, including Mill Pond. Staff will be working to complete necessary paperwork for a draw-down permit. The committee is working to develop a plan for further discussions on mill pond and the reports generated by GEI.

8. **Water Rate Study:** We are eagerly awaiting the return of the water rate study.

Council Discussion or Action Needed:

NORTHPORT VILLAGE NUISANCE ORDINANCE

ORDINANCE NO. ___ OF 2024

AN ORDINANCE TO DEFINE, PROHIBIT AND PROVIDE PENALTIES FOR MAINTENANCE OF CERTAIN NUISANCES WITHIN THE VILLAGE OF NORTHPORT, TO PROVIDE EXCEPTIONS TO NUISANCE PROSECUTIONS, TO PROVIDE FOR ENFORCEMENT OF THE ORDINANCE AND TO AUTHORIZE ABATEMENT OF A NUISANCE BY THE VILLAGE.

THE VILLAGE OF NORTHPORT ORDAINS:

SECTION 1 - DEFINITIONS

AS USED IN THIS ORDINANCE THE FOLLOWING TERMS SHALL HAVE THE MEANINGS PRESCRIBED IN THIS SECTION.

A. **Abandoned vehicle** - includes, but is not limited to, any vehicle which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.

B. **Blighted structure** - includes, but is not limited to, any dwelling, mobile home, garage, or outbuilding, or any factory, shop, store, office building, warehouse or any other structure, or part of structure, which, because of fire, wind, or other natural disaster, or physical deterioration, and is no longer useful for the purpose for which it may have been intended. Exempted from this definition are structures that have been used, in the past, primarily for agricultural purposes.

C. **Building materials** - includes, but is not limited, to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, plastics, synthetics, nails, screws, or any other materials used in construction of any structure.

D. **Correlated Color Temperature (CCT)** - A unit of measure for light color, measured in degrees, based on the Kelvin temperature scale (K). Color temperatures over 3500K are called "cool", or "daylight" colors, while lower color temperatures (2700 - 3000K) are considered "warm" colors.

E. **Fully Shielded** - An outdoor fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane passing below the fixture.

F. **Garbage** - rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables. 'Garbage' does not include a compost pile consisting of decaying organic substances intended for soil conditioning.

G. **Glare** - Light entering the eye directly from luminaries or indirectly from reflective surfaces. This may cause visual discomfort, disability, loss in visual performance or visibility.

H. **Junk** - includes, but is not limited to, broken and/or inoperable machinery or vehicles, or parts relating to machinery or vehicles, or broken and unusable furniture, stoves, refrigerators, or other appliances, remnants of wood, metal or any cast-off material of any kind.

I. **Junk vehicle** - includes, without limitation, any vehicle that is not licensed for use upon the highways and/or waterways of the State of Michigan for a period in excess of 365 days, and shall also include, whether licensed or not, any vehicle that is inoperative for any reason for a period in

excess of 365 days.

J. **Light Trespass** -Any light, falling beyond the legal boundaries of the property it is intended to illuminate, causing annoyance, loss of privacy, or other nuisance.

K. **Lumen-A** unit of measure used to qualify the amount of light produced by a lamp or emitted from a fixture (as distinct from "watt", a measure of power consumption).

L. **Outdoor Lighting Fixture** - any lighting device exterior to a building.

M. **Person** - any individual, firm, corporation, association, partnership, limited liability company or other legal entity.

N. **Rubbish** - non- putrescible solid wastes including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags, rags, and demolished materials.

0. **Sealed container** - a covered, closable container which is rodent-proof, fly-proof and watertight such as garbage cans with properly fitting tops.

P. **Skyglow** - Brightening of the nighttime sky caused by artificial light directed or reflected upwards or sideways.

Q. **Security lighting** - outdoor lighting fixtures intended to discourage or make visible intrusions on the premises.

R. **Totally enclosed structure** - a building such as a house, garage, barn or storage shed with a roof and floor, with walls and closable doors and windows, around its perimeter.

S. **Vehicle** - includes, but is not limited to, every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or waterway, except devices exclusively moved by human power.

SECTION 2 - INTENT AND PURPOSE

The purpose of this ordinance is to promote the general health, safety, welfare and peace of the residents and property owners of VILLAGE OF NORTHPORT by protecting land values, aesthetic values and the rural character of VILLAGE OF NORTHPORT by regulating the following:

A. Storage and disposal of junk, garbage, rubbish and building materials;

B. Storage, parking and unreasonable accumulation of junk vehicles, partially dismantled vehicles and abandoned vehicles;

C. Unreasonable or unnecessarily loud noise disturbances;

D. Outdoor lighting fixtures that contribute to light pollution of the night sky, including glare, light trespass, and skyglow.

E. Structures that have become unsafe and/or uninhabitable due to damage by fire, wind, water or physical deterioration.

F. Creation or maintenance of a natural or man-made conditions that is unsafe and/or creates an unreasonable risk of personal injury or property damage, to any person or property, including the owners or occupants of the property where the condition is located.

SECTION 3 - GENERAL NUISANCES

THE FOLLOWING ARE HEREBY DECLARED NUISANCES BY THE NORTHPORT VILLAGE COUNCIL:

A. **JUNK, GARBAGE, and RUBBISH** -

1. The keeping or storage of ashes, junk, garbage, rubbish, or building materials on private property except as follows:

a. in a sealed container; or
b. within a totally enclosed structure; or
c. entirely screened from view from a public road right-of-way or adjacent property.

2. The placing of ashes, junk, garbage, rubbish or building materials on private property without the owner's permission, or on public property, regardless of whether such are deposited in a sealed container, within a totally enclosed structure, or screened from view.

B. JUNK VEHICLES, PARTIALLY DISMANTLED VEHICLES, ABANDONED VEHICLES

The parking or storage, or placing upon any lands within the VILLAGE, any junk vehicle, abandoned vehicle, or partially dismantled vehicle, unless the same is:

1. wholly contained within a totally enclosed structure, or
2. entirely screened from view from a public road right-of-way or adjacent property, and
3. does not violate any zoning ordinance of THE VILLAGE OF NORTHPORT, or any building code of Leelanau County or the State of Michigan, or meets one of the following conditions:
   a. Vehicles that are temporarily inoperable, because of damage resulting from accident, collision, or minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, upon presentation to the enforcing officer written proof the vehicle is **in** process of maintenance or repair, and/or is involved in insurance claims litigation or a similar matter and additional time is required for settlement or repair before such vehicle can be moved.
   b. Not more than one vehicle in fully operating condition, such as stock car or modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.
   c. Unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or another motorized vehicle dealer.
   d. Any inoperable or damaged vehicle on the premises of an authorized vehicle repair garage.

C. NOISE - Any loud, unnecessary, unnatural or unusual noise, created, maintained or permitted by any person, and the noise is of such character, intensity or duration, either steadily or intermittently, or by reason of the hour of the day or night, place or use, that it annoys, disturbs, injures, endangers or impairs the comfort, health, convenience, safety, welfare, enjoyment, and peace and quiet of other persons in the vicinity.

MAY NEED A MORE OBJECTIVE DEFINITION OF A NOISE NUISANCE THAT IS DETERMINED BY TIME OF DAY, DURATION OF DISTURBANCE , LEVEL OF VOLUME. NOISE NUISANCE ORDINACES CAN BE DIFFUCULT TO ENFORCE IF THE DEFINITION OF AN ACTIONABLE NOISE IS NOT WELL DEFINED. THE ZONING ORDINANCE DOES HAVE SOME STANDARDS, BUT SUCH AN ORDINACE IS BETTER LEFT TO A SEPARATE POLICE POWER ORDINANCE RATHER THAN A ZONING ORDINACE THAT IS REALLY ONLY EFFECTIVELY ENFORCIBLE AGAINST A PROPERTY OWNER.

D. OUTDOOR LIGHTING - Any outdoor lighting fixture that is NOT fully shielded is considered a nuisance when:

I. The initial lamp lumens are over 600 lumens.

2. The Color Correlated Temperature (CCT) of the lamp is above 3000K.

Exceptions:

a. Outdoor lights utilized for the proper illumination of an official flag. The US flag should have a light source sufficient to distinguish the colors of the flag, so it is recognizable by the casual observer. (Downward directed solar lights are available for flag poles).

b. Security lighting equipped with infrared or motion sensors.

E. BLIGHTED STRUCTURES - Any blighted structure, unless the same is:

1. Kept securely locked, and
2. Windows kept glazed or neatly boarded up, and
3. Otherwise protected to prevent entrance thereto by unauthorized persons.

Exceptions:

a. Those structures in the process of rehabilitation or reconstruction in accordance with a valid Land Use Permit issued the Village Zoning Administrator and/or a building permit issued by the Leelanau County Building Inspections Department.

b. Any structure designated by the NORTHPORT Village Council, Zoning Administrator, other approved authority, as contributing to the VILLAGE's rural character and/or having historical value.

c. Any structure being demolished according to the terms of a Land Use Permit issued by the Village Zoning Administrator during the time designated in said Land Use Permit.

F. **DANGEROUS CONDITIONS** - the creation, maintenance, or failure to abate after notice, any activity or condition existing on private property, which causes significant and substantial interference with the person, property, health, safety or comfort of, or creates a serious risk of injury or death to the owner or occupant of that property, an adjoining land owner or occupant, or the general public, including invitees, licenses, and trespassers.

SECTION 4 -GENERAL EXEMPTIONS

THE FOLLOWING EXEMPTIONS ARE A COMPLETE DEFENSE TO A PROSECUTION PURSUANT TO SECTION 3 OF THIS ORDINANCE:

A. INDUSTRIAL USAGE - The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property, and is properly screened from view incompliance with applicable requirements of the VILLAGE OF NORTHPORT Zoning Ordinance.

B. EMERGENCY SITUATIONS - Authorized emergency vehicles involved m emergency situations.

C. AGRICULTURAL OPERATIONS - Any activity that is regulated as a fann operation" within the Michigan Right to Farm Act, 1980 P.A. No. 93, MCLA 286.471 et seq, and conducted in accordance with the State of Michigan's Generally Accepted Agricultural and

Management Practices (GAAMPs).

SECTION 5 - PROHIBITION - No person shall commit, create, or maintain any nuisance. No person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person. Each day a nuisance shall exist shall be construed as a separate violation.

SECTION 6 -PENALTY/CIVIL INFRACTION - Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961. being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/1 00($500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

SECTION 7 - **ENFORCEMENT OFFICER** - The Village Manager, and such other officers as the Village Council shall designate, are authorized to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

SECTION 8 - CIVIL ACTION - In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the VILLAGE may initiate proceedings in the appropriate Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

SECTION 9 - **ABATEMENT BY VILLAGE** - If the owner or possessor of any property on which a nuisance exists fails to eliminate a nuisance after having received notice from the VILLAGE' designated enforcement officer of the existence of the nuisance, the designated enforcement officer may take such steps as are necessary to abate or eliminate the nuisance, in accordance with established enforcement procedures. The cost of elimination of the nuisance by the VILLAGE, including reasonable attorney fees, may be collected in a lawsuit against the owner and/or possessor of the property on which the nuisance existed and/or against the person who committed, created, or maintained the nuisance.

SECTION 10 - VALIDITY - If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION 11 - EFFECTIVE DATE -This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the VILLAGE.

#	CIP PROJECTS LIST	Rank	Cost Est.	O/C	Quotes	Operational	Dept	Currently in Budget Yes/No	Comments	Owner	General	Major	Local	Water	Marina	Capital	2024	2025	2030	2035	2040
1	Visitor's Center Repairs- Railing, Deck, Interior Work	Med	$6,500	o		X	Parks			Holton	$6,500										
2	Mill Pond- Engineering on Dam and Dredge	Med	$75,000	c			Parks		Waiting for response from EGLE	Holton	$20,000										
3	Replace Wooden Playground Structure	In process	$85,000	c			Capital		Wooden structure is gone . When will new play ground arrive? Aup / Sept?							$50,000					
4	Rowing Shell Rack in at Haserot Park, Part of RFP	Low	$2,000	c		X	Parks			Holton	$0										
5	Culvert on West Third Street- Engineering Design	Med	$15,000	c		X	DPW		Design and quote needed	Dyer		$10,000									
6	Culvert on corner of Flees Rd. and N. Shore replacement	Low	$9,000	o			DPW		Priority Low				$9,000								
8	Resurfacing Project West Third St to top of hill near High Street 1032 ft	Low	$43,000	c		X	Surface Maint.			Holton		$43,000									
9	Resurfacing Project East Third St including drainage work at Rose St	Med	$35,000	c		X	Surface Maint.			Holton		$35,000									
10	Resurfacing Project West Seventh Street between Warren and Ransom	Med	$43,000	c		X	Surface Maint.			Holton			$43,000								
11	Replace Garage Door openers at 3rd Street DPW	Med	$4,000	o			DPW			Holton	$4,000										
12	Exterior Painting at 3rd Street DPW	Med	$5,000	o		X	DPW		DPW Project	Holton	$5,000										
13	Village Office brick work, foundation, new flooring	Med	$10,000	o		X	Office									$10,000					
14	Rose Street Culvert Project	Med	$250,000	c			DPW		Researching if grant is possible - Who?			$35,000									
15	4th Street Drainage	In Process	$15,000	o			DPW		Will start after Labor Day				$50,000								
16	Replace Hydrant at 7th and North Shore	Med	$10,000	o			Water		20 TC (Traverse City Brand) Hydrants need replaced due to an inability to get parts when/if there are issues. Work has to be completed in conjunction with DPW and an excavation company, to ensure de-watering during the process					$7,000							
17	Replace Hydrant near Homewood Cottages with Shabwasung Project	Low	$7,000	o			Water		Wait until water main upgrade complete					$7,000							
18	Water Tank Cleaning	Not CIP	$10,000	o		X	Water		Operations 2027	Holton				$10,000							
19	Replace aging water mains (Map provided from Water Operator)	High	$45,000	c			Water		Three water mains in very poor condition: Shabwasung St (1930&40), Main St (1930), 5th-6th (1937) Three water mains in poor condition: N Waukazoo St (1930-40), W Nagonaba (Mill to High) (1930-60), W 3rd St (Mill to High) (1930-40) Five water mains in moderate condition (Map available in infrastructure dropbox)	Holton				?							
20	7th Street Project	On hold	$190,000	c			Capital									$190,000					
21	Practice putting green	Low		c			Capital														
22	Housing North Request for 3 years	What is this?	$3,000	o		X	Planning		$1,000 X 3 years approved		$5,000										
23	Trailhead Project, Signage,	Low	50,000	c		X	Parks														
25	Replace 7 Lights on North Wall of Marina	Complete	$6,000				Marina		What is this? Is this the bollard project that was completed in 2024? -- Bill	Holton					$6,000						
26	Community Garden	Low					Capital														
27	Lean-too at 8th street 16X60	Med					DPW			Holton											
28	8th DPW Concrete pad 14X10	Med	$2,000				DPW			Holton											
29	Tractor - Refurbish or new	High	$33,000				Vehicle		$33K to replace - $16K if sell it												
30	Dump Truck 2015 - Refurbish or new	Med	$60,000				Vehicle		$60K to replace - $32K if sell it	Holton											
31	Small excavator	High	$35,000				Vehicle		Used?												
32	Meters upgrades - battery units	High					Water														
33	East 3rd Street + Rose Street sinkhole	High					Major														
34	End of east 3rd - catch basin - storm water recovery	Med					Local														
37	E-dock Voids	High	$25,000				Marina		Level and fill voids under North Pier (E-dock)	Bill											
38	Fill East Broadside Voids	Med	$20,000				Marina	2025	Fill voids under East Broadside breakwall	Bill											
39	Sealcoat & Stripe Parking Lots	Complete	$15,000				Marina		Sealcoat and stripe parking lots on the South and West sides of Marina AND Visitors Center												
40	Update Marina 5-Year Recreation Plan	Med	$15,000			X	Marina	2025	The current plan goes through 2024. It will need to be updated for 2025	Bill											
41	Install Kayak Dock	Low	$45,000				Parks	2026	Install kayak dock somewhere on the waterfront												
43	Install South Parking Lot Sidewalk	Med	$5,000				Marina		Install short section of sidewalk in South parking lot	Holton											
44	Replace Power Pedestals (A-dock, B-dock, D-dock, E-dock)		$80,000				Marina		Replace power pedestals in remainder of Marina (A-dock, B-dock, D-dock, E-dock, Broadside)	Bill											
45	Improve Handicap Access at Beaches		$10,000				Parks		Improve handicap access to parks and beaches (mentioned in Recreation Plan)												
46	Dredging Marina	Low	$500,000				Marina		This will need to be on the radar in the next few years	Bill											
47	Install Wave Attenuator	Med	$100,000				Marina		Install wave attenuator at entrance to Marina	Holton											
48	Add Dinghy Docks	Low	$8,000				Marina		Install additional dinghy docks (C-dock? D-dock?)	Bill											
49	Maintenance for Ice Bubbler Compressors	Not CIP Operations	$30,000				Marina		Maintenance/Replacement of bubbler air compressors	Holton											
50	Expand Marina	Low	$11,000,000				Marina		Expand the marina (East? North? South?)												
51	Install boat washing station near launch ramp	Low	$10,000				Marina		To help to control the spread of invasive species. -- I am not supportive of this expense. It will have absolutely no positive impact on Lake Michigan invasive species. -- Bill												
52	Village Office expansion	Med	$450,000				Capital														

#	CIP PROJECTS LIST	Rank	Cost Est.	O/C	Quotes	Operational	Dept	Currently in Budget Yes/No	Comments	Owner	General	Major	Local	Water	Marina	Capital	2024	2025	2030	2035	2040
53	Sidewalk map - Identify safety concerns	High					DPW		4/23 - Chris and Diana finished sidewalk map with ratings Diana to work with Chris on sidewalk map Issue with tree/sidewalk in front of Union													
54	Public Restrooms	Med							Construct ADA accessible restroom needed in the downtown district are												
55	Village Office Solar Install	Low							New quote needed												
56	Replace Boardwalk	Med-High							Boardwalk in rotting underneath. Deck boards popping and unable to secure in some locations												
											$73,900	$123,000	$102,000	$24,000	$996,221	$250,000					