

Village Manager Report
September 12, 2024

- 1. Hospital Demolition.** The demolition is now complete. The area has been leveled, hydroseeded, and is expected to grass over shortly. We expect the owner will install temporary barriers at the site to discourage access. Since High Street is now a dead-end at the demolition area consideration for placement of a permanent, Village owned, traffic control barrier may be required.
- 2. Property Tax Collection.** Village property taxes are due September 15th. Since this date falls on a Sunday, payments made on Monday, September 16th are considered timely made. The total tax to be collected is just under \$600,000. To date approximately 75% has been collected. Historically, last-minute payments make up a significant amount of that difference. Still, we expect in the neighborhood of 40 delinquent parcels will be turned over to the County Treasurer, who then makes the Village full for the full amount of the unpaid delinquency.
- 3. Wind Turbine Cleanup.** I have communicated a verbal request to the owners of the wind turbine to provide me with a plan, by today's Council meeting, to remove the remaining portion of the pole. I have also asked the DPW supervisor to obtain an informal evaluation of the appropriate method, and the expected cost, to remove the pole. This information is necessary to plan any further action that the Village may take concerning this situation, not because the Village is responsible for the cost its removal.

I did authorize the DPW department to "clean up" the existing mess at the hilltop site. However, this debris and clean up was not related to the wind turbine collapse. This work involved the removal of a shed and campsite, erected by unknown persons and without Village authorization, at the site. The wind turbine ownership group is not responsible for this work.

- 4. Website and Information Technology Review.** Staff is conducting a review of the effectiveness, and financial value, of the existing Village website and all of our technology resources, including computer hardware, software, and the Voice Over Internet Protocol (VOIP) telephone and answering machine system. The intent is to update the website as soon as practical. The valuation of our other technological resources is not necessarily to replace them, but to assure that we are using them to their maximum potential, and still receiving good value.
- 5. Marina Call Box.** The emergency call box at the marina has been reinstalled. It is a single button call box directly connecting the user to the 911 emergency call system.
- 6. UnCaged.** Application for closure of M-201 has been submitted to MDOT. We are also working with Spectrum to install temporary Public WI-FI, primarily to permit Point-of-Sale access for vendors. Based on the effectiveness of this project, which will last only for the UnCaged festival, we may consider a downtown area Public WI-FI project.
- 7. Social District.** The Michigan LCC has approved the Map and the Operations Plan. Tonight, you will be considering the adoption of a resolution endorsing the individual application to the LCC of our local licensees to add the Social District endorsement to their license. Another

issue that the Council should be aware of is that all of the current by-the-glass licensees in Northport are currently licensed to sell capped drinks “to go.”

- 8. Housing.** We have received the legal descriptions for the division of the 7th Street parcel necessary to facilitate the swap of the public use deed restriction currently applied to the Township owned park. I expect that this process will be completed by the end of this year. I also plan to attend the 2024 Northwest Michigan Housing Summit on October 24-26
- 9. Audit.** Our external audit team will be at the Village Offices the week of September 23. Village Staff are spending substantial time preparing for the audit.
- 10. Mill Pond.** Pending revision to the previously submitted EGLE Permit to allow maintenance to the water level control structure.
- 11. Playground Equipment.** We expect delivery of the playground Equipment to the installation contractor and completion of the project this fall.
- 12. 4th Street.** Work is currently scheduled to begin on September 23rd, subject to weather and crew availability.
- 13. Northport Creek.** I have received information that an unnatural placement of rocks has altered the flow of the creek, such that both accumulation and erosion of the riparian shoreline has occurred. There is some indication that may be resulting in the undermining of shoreline trees that could result in their collapse. I will be consulting an investigation, and consulting with staff at EGLE for their recommendation to remedy this situation.
- 14. Zoning Administration.** In addition to the front yard setback variance scheduled for tonight’s meeting I have processed three new Land Use Permits:
 - a. **2024-14.** Chris Sleder. Construction of a carport and repairs to a retaining wall in the front of 303 West Third Street.
 - b. **2024-15.** Lynn Vaughn. Renovation and new covered porch at 205 E. Third Street. This is the residence where the front yard setback the Village Council as ZBA granted at the July 2024 meeting. Permit issued consistent with the variance.
 - c. **2024-16.** Lynn Vaughn. Construction of a new single-family residence at 208 East Fourth Street. This is a follow up project to LUP 2024-09 which authorized demolition of the existing residence. The applicant is constructing a new 1657 square foot, two-story single-family residence. The existing garage, which had non-conforming setbacks was retained, but not expanded, as permitted by ordinance.

15. 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 rehabilitation of an existing structure, currently unoccupied, and near the entrance to the Village. The existing structure was built prior to the adoption of the current zoning ordinance. The front façade is located close to, if not directly on the required 20-foot front yard setback line. The structure is a traditional ranch-style home, without garage. It is located at the northwest corner of M-22, where it heads down towards Leland. Originally, the central entryway of the

house was approached by bare, uncovered, concrete steps. The applicant proposes to replace those steps with a covered 5'11" porch extending along the full front façade.

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 five feet, to construct the porch. I did receive one direct comment from a neighboring property owner, Lisa Wolk, who lives directly across the street from the subject property. She favored the granting of the variance and believed that the applicant's plan project would enhance the neighborhood. It is my opinion that permitting a 14-foot front yard setback is appropriate under the circumstances.

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.)

POTENTIAL MOTION

I move that the Northport Village Council approve, by resolution, the Application for a dimensional variance to permit a 14-foot front yard setback for the property located at 320 Shabwasung St.

16. Agenda Items Pending Discussion

- a. **Water Rate Study.** For your consideration on tonight's agenda is the receipt and presentation of the Water Rate Study completed by Utility Financial Solutions, LLC. Dawn Lund authored the study. She will be present at the meeting to give a presentation of her findings and to answer questions the Village council previously authorized the study, due to her work on a similar sewer rate study for the NLTUA. Based on a review of Village records there has been only one water rate increase, either to the service rate or the commodity rate, in approximately 14 years. This has resulted in both a declining operating cash balance, and a reduction in value of the water funds' assets. To have both of these indicators in a downward trend signals development of a potentially critical financial status. Combining that with an aging infrastructure, with some water mains between 75 in 90 years old, a fairly drastic remedy is necessary.

Ms. Lunn will present the financial case for rate stabilization, establishment of an appropriate cash balance, and the need for bonding to update the water system infrastructure.

After the presentation, and time for questions by the Village Council, I recommend that the Council consider potential solutions and the timing of a rate increase, if any. Since the end of October is the earliest that a quarterly billing will occur, I recommend that final action occur at your October 10th meeting.

On the other hand, if the Village Council considers this of an emergency nature that should be addressed without delay, a motion to waive your Council Rule of Procedure concerning discussion item being considered at the next regular council meeting would be in order.

17. Agenda Items Pending Action

- a. **Item 10A - Consideration of the Northport Village Nuisance Ordinance.** Last meeting we presented the proposed Northport Village nuisance ordinance. As previously indicated the ordinance adopts the ordinance already in effect in the Township. Based on Village Council input additional language was added to the noise portion of the ordinance, to create some objective standards for enforcement of a violation. These include a requirement that the noise persist for at least 15 minutes, be audible in an enclosed structure with the windows up, and that it occurs between the hours of 11 PM and 7 AM. These changes are shown in green highlights in your packet. The blue highlighted texts are changes from the Township ordinance that are considered useful within the Village. The yellow highlighted text shows the more recent amendments to the Township ordinance directly addressing light pollution. Staff recommend adoption of the ordinance as presented, though discussion of the noise ordinance additions, and any other potential amendments, is appropriate.

POTENTIAL MOTION

I move that the Northport Village Council adopt the Northport Village Nuisance Ordinance, as presented.

- b. **Item 10B – Consideration of Northport Village Social District permit applications.** The Michigan liquor control commission has approved the map, and the operation/maintenance plan submitted by the Village. The next step in implementing the social district is to approve a resolution authorizing individual licensees that wish to participate in the social district to obtain endorsement to their existing liquor license. Staff recommends that the Village council adopt a resolution approving a present, or future application, from NPG, Fingers Crossed, Faro, Yard and Lake, or the Mitten. It is important to note that all of these licensees are currently permitted to sell a covered drink to go, under their current license. The main advantage of the social district is to permit the purchaser to lawfully consume that drink within the social district, but not beyond.

POTENTIAL MOTION

I move that the Northport Village Council adopt a resolution to approve all social district applications, as submitted, and authorize the Village Manager

and Village Clerk to sign all documents necessary for submission of the application to the Michigan Liquor Control Commission.

- c. **Item 10C -Consideration of the planning commission request for technical assistance for the revision of the Master Plan.** At my recommendation as Zoning Administrator, the Planning Commission has decided to amend the grand plan, which requires revision on five-year intervals, without the use of a zoning or Master Plan consultant. This is an appropriate approach given that the Village has few undeveloped areas, and most development is effectively controlled by the existing revised zoning ordinance. However, a significant portion of the Master Plan is a narrative of statistical data, which helps support the Master Plan objectives. Updating this information is time-consuming and beyond the expertise of staff and planning commission members. I recommend that the Village Council implement the recommendation of the planning commission that the statistical narrative be prepared by a consultant. I believe that the total cost would exceed my administrative spending Authority, but I do believe it can be accomplished for less than the recommended \$7500. I asked that the Village Council authorized budget amendment to permit the use of fund balance up to this amount.

POTENTIAL MOTION

I move that the Northport Village Council adopt a resolution to approve the Northport Planning Commission's request for technical assistance for the Master Plan revision, not to exceed \$7500, approve all necessary budget amendments, and to authorize the Village Manager to sign all contracts necessary to implement the resolution.

- d. **Item 10D - Consideration of a proposal to codify the Northport Village Ordinances.** In a previous meeting I presented capabilities brochure from Civic Plus offering to codify our Village Ordinances. Based upon my review of the proposal, is my recommendation that we accept the proposal from Civic Plus. The one-time cost for this service is just under \$9,000. This recommendation is based on the ability of the Village staff to have direct access to their codification attorneys during the review process. This is slightly more than my anticipated budget amount of \$7,500, but within a range of reasonableness. Since the village very seldom adopts new ordinances, or even modifies those in place, it is possible that we could contract only for modifications as needed, rather than at a fixed contract rate. A copy of the proposal is located in the Dropbox.

POTENTIAL MOTION

I move that the Northport Village Council adopt a resolution to approve the Civic Plus proposal to codify and maintain the Village Ordinances, approve any necessary budget amendment, and authorize the Village Manager to sign all documents necessary to implement the resolution.

- e. **Item 10E - Consideration of the revised Northport Zoning Ordinance.** At your July meeting you considered the Zoning Ordinance recommended by the Planning Commission. He also considered and adopted three specific amendments that the planning commission thought would be more appropriate for the Village Council to address. All three of those amendments were adopted. I am not presenting you with

a completely revised and fully integrated version of the Zoning Ordinance for formal adoption. It is this version of the zoning ordinance that you are approving tonight that will be used as the reference for the required publication in the Leelanau Enterprise.

POTENTIAL MOTION

I move that the Northport Village Council adopt the revised Northport Village Zoning Ordinance, as previously amended and restated here in full, as presented.

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