Village Manager Report
January 9, 2025

1. **Wind Turbine Cleanup.** Leelanau Energy (not the non-profit entity) has not yet completed the removal of the wind turbine monopole as promised. I have requested they provide a monthly report prior to the Village Council meeting. No progress update has been received and the removal has not yet been scheduled. I do not expect activity this winter.

2. **Audit.** We encountered some difficulty completing the audit related to the current process of accounting for sewer special assessment installment payments collected by the Township but paid to the Village. I have been in contact with our lead auditor, and I am told to expect a draft for review by staff early next week, with a full presentation to the Village Council at our February Board Meeting.

3. **2025-2026 Budget Process.** The Village Clerk has recently completed reconciliation of the first and second quarter Village financials. Staff will first review these reports internally and as part of that review prepare recommendations for current year budget amendments and 2025-2026 budget projections and recommendations. We would first present this review and our recommendations to the Finance/Budget committee, with a budget recommendation by our March meeting, at end of the third quarter of the current budget year. This should give the council sufficient time and opportunity to review and as necessary amend, the initial budget proposal for fiscal 2025-26 prior to final adoption.

4. **Mill Pond.** I have completed and submitted to EGLE a permit request intended to cover our immediate need to perform maintenance on the outflow structure, as well as establishing a protocol for future drawdowns for inspection, repair, significant rain fall events, and dredging mitigation. The permit recognizes that the Village does not have a current intent to dredge the Mill Pond, and any proposal to do so would require a separate permit submitted to and approved by EGLE.

5. **Park Street and Use of the Tree and Wall at 112 W Nagonaba.** Despite earlier delay on my part, I sent the quitclaim deeds required by the resolution adopted at our February 2024 meeting to Karl Wizinsky. I am told these deeds are not acceptable, despite the fact that the legal descriptions are taken from a survey done by Nick O'nan that Karl provided to me a year ago. Recent discussions concerning the completion of the settlement proposed back in February have resulted in the request for reimbursement of attorney fees set for consideration this evening. This issue was discussed back in February, but I informed Karl that I would not support such a request.

   This afternoon Karl asked that I Provide copy of additional documents to the village council for consideration at tonight's meeting. These additional documents have been added to the Dropbox. They are as follows:

   a. An aerial image showing properties owned by Karl Wizinsky, Three Rivers Property LLC, and Will Harper. This aerial is not a survey and does not consider the Village has consistently maintained its claim to a right-of-way for the establishment of Park Street, for a period well before Karl and his company owned the adjoining property.

   b. Eight May 23, 2022, email requesting that a presentation by the Michigan Department of Licensing and Regulatory Affairs (LARA) concerning the Platt amendment process be provided to village council members, and a response from councilmember Ager.

c. Copies of a February 21, 2014, presentation developed by LARA concerning the amended plat process. This likely would have been an inappropriate communication fine opposing party to a party represented by legal counsel.

d. A summary of the legal billings claimed by the applicant

e. A copy of the Circuit Court civil docket in the Plat amendment case. The marginal notes contain in this document appear to be made by the applicant. I suspect that they are correlated to the legal fees claimed.

It is my opinion, shared by Village Staff, that if we cannot secure the Lease of the tree space and wall at 112 W. Nagonaba to assure continued use of that area for the Christmas celebration and location of the "Northport" sign, that we should begin preparations now to relocate the event and sign. Staff were prepared to propose a more permanent and an improved mounting method for the Northport sign, but we delayed those efforts pending signatures on the Lease.

I do not recommend approval of this request. It is not budgeted, there is no fee award provision in the Michigan Land Division Act, and the Court dismissed the plat lawsuit by an Order dated May 2, 2023, dismissing the claim ". . . without prejudice and without costs." Any request for attorney fees should have been addressed to the Court at that time. The Order was entered with the approval of Adam Toosley, the Attorney for Three Rivers Properties, LLC and Karl L. Wizinsky. However, if the Village Council wishes to favorably consider reimbursement, I think it would be wise to consider whether a similar claim of unknown amount would be asserted by any of the other defendants. There were at least 50 named defendants, including eight that appeared as parties, five of which were represented by legal counsel.

6. **Flagpole Illumination at Village Hall.** Staff have explored the possibility of removing the existing light mounted on Village Hall used to illuminate the flagpole in the evening. The existing light is difficult to aim at and maintain illumination on the flag; and creates substantial glare unnecessarily contributing to light pollution. I have identified several suitable replacements that are top mounted and solar powered. Ther cost would be between $200-400, and the installation could occur when we have a lift in town to remove the Christmas decorations. I intend to proceed with this project unless there are any significant objections.

7. **Housing.** With the change in leadership at the Township, I have waited to give the new Township Board the opportunity to understand the DNR deed restriction swap process and confirm their authorization to proceed. Supervisor Conley has confirmed that the issue will be discussed at their meeting on January 14th with the decision on whether to proceed with the swap to occur at either that meeting or its February meeting.

8. **Village Manager Transition.** My contract with the Village provides that I provide a 90-day notice of termination, based on that provision I have established March 28, 2025, as my last day with the Village of Northport. I will commence work with Leelanau County on March 31, which is the last Monday of the Month. The schedule, which you will hopefully approve tonight, is to have a new manager in place by mid-March, to permit at least a two-week transition period. The documents related to this process are included in agenda item 10D of the meeting packet. Chet Janik will also be present at the meeting to answer any questions.

9. **Zoning Administration**. I have approved the following new Land Use Permits:

    a. **2024-23**. AT&T/Mastec. 100 West Eight Street. Retrofit of existing cell tower site.

    b. **2024-24**. Cavendish/Around the Corner Food and Fun. 115 S. Waukazoo. Replacement of an existing fabric awning with a covered, non-enclosed, awning.

    c. **Other**: Held preliminary meetings with a potential lessee at the south end of the Northport Inn building previously used as the fitness center. Lessee proposes a retail outlet and wishes to create a unique separate entrance that will require a ramp and platform adjacent to the south and west sides of the building. The proposed ramp would be located the same distance from the building as the existing to the north. Based on the location of survey stakes in the sidewalk, and the County GIS map, 1the proposed ramp would be within the lot owned by the Inn and would not encroach on the existing Waukazoo sidewalk.

10. **Comments Regarding Notable Invoices Paid.** I am adding this new section to my report to provide comments regarding paid invoices beyond the brief description in the check register report.

    a. $37,300, Game Time, balance of South Beach Park playground installation.

    b. $11,200, Buss Concrete, concrete installation for the E dock project.

    c. $2161.44, State of Michigan, reimbursement to state for overpayment of transient slip sales.

    d. $10,731.90, Advantage Electric, replacement of damaged light pole. Cost was reimbursed by insurance.

    e. $5475.60 Cain Design, Decoration of Christmas tree.

    f. $4376.82, Leelanau Township, reimbursement of Township taxes mistakenly paid to the Village.

11. **Agenda Items Pending Discussion**

    a. **Discussion of Committees, Meeting Schedules and Revision of Council Rules of Procedure.** This issue has been discussed several times by the Village Council. When it was last discussed it was determined that it would be more appropriate for this issue to be considered after the November election, once new Village Council members were seated.

    Current practice provides for one Village Council meeting per month with separate subject matter committees that meet to consider various issues for later presentation to the full Council. This process worked well at a time when the Village did not have a full-time manager responsible for Village administration, the preparation of the Village budget, and the research and development of proposals for consideration by the Council. Since I have been here as Village Manager frequently staff initiatives were discussed at these committees, and then the same discussion was repeated for the full Council. It also resulted in as many as five or six meetings per month, where only one of those meetings actually reached a final decision. It has been my opinion that

the system is inefficient where a Village Manager is in place. It is my suggestion that the Village Council eliminate the committees (other than the Finance Committee) and instead hold two full meetings of the Village Council per month, one of which would be a committee of the whole for discussion of items, and the second meeting for final consideration. Such a schedule would duplicate the work of the committees, but eliminate several meetings per month, while at the same time including the entire Village Council in a discussion of important items that merit consideration at two separate meetings. Such a schedule would also permit time for public consideration of those issues and informed comments at the meeting where the decision would be finally made.

I suggest that the rules of the Village Council be amended to permit this schedule. Also, rather than appointing committee chairs, we can appoint trustees that would act as issue liaisons with admin with the staff and assist with the presentation of items at the working committee of the whole.

This schedule would also give us the opportunity to arrange a village council schedule that would not interfere with Township meetings. For example, tonight the Township planning commission considers an important issue, making citizens choose between two important meetings. I would suggest the schedule would permit the working committee of the whole be held on a day, other than Thursday, during the second week of the month, and the other meeting could be held on the fourth Thursday. This would give staff the added opportunity to not just present financial information to the Council at a full meeting but would give us at least two additional weeks to review and analyze that data, as necessary, something that we do not have the opportunity to do now.

Obviously, moving to this schedule would require substantial amendment of the Village Council rules of procedure. It would be sufficient at this point for the Council to give me direction to prepare a draft of these revisions, considering the schedule suggested above for final consideration at your February meeting.

12.Agenda Items Pending Action

a. **Item 10A – Appointment of Planning Commissioner.** There are two vacancies on the Planning Commission. Jane Gale has agreed to be appointed to a full term as a planning commissioner. The second vacancy will be filled at a later Date.

POTENTIAL MOTION

I Move that the Northport Village Council approve the Village President's nomination of Jane Gale to fill a three-year vacancy on the Northport Planning Commission.

b. **Item 10B-Motion to appoint by Mutual Consent the NLTUA Board Member (At Large Position.)** Due to a recent resignation the NLTUA at-large Board position is vacant. This position is filled by joint appointments by the Village Council and The Leelanau Township Board. Mike McMillan, former Township supervisor and NLTUA chairperson, has expressed an interest in filling the large position. I am informed that the Leelanau Township board will take up a similar motion at their meeting next week. Mike was a valued member of the NLTUA Board, and several members of the public have

encouraged the Village to appoint him to the NLTUA Board to permit a continuation of that service and in the continuity of knowledge that it would provide.

POTENTIAL MOTION

I Move the Northport Village Council appoint Mike McMillan as the at-large member of the NLTUA Board, subject to the mutual consent of Leelanau Township.

c. **Item 10C- Motion to appoint ZBA chair.** The Northport Village Council also functions as the Zoning Board of Appeals for the Village. Zoning Board of Appeals is empowered to consider variances, appeals from the planning commission and Zoning Administrator, and interpretations of the zoning ordinance. Village council members are automatically also members of the Zoning Board of appeals. It is routine to appoint a zoning Board of appeals chair at least every two years at the time new Council members are elected. The current ZBA chair is trustee Will Harper. He has agreed to continue to serve in this capacity and is therefore nominated by the village president.

POTENTIAL MOTION

I Move that the Northport Village Council approve the village president's nomination of Will Harper to chair the Village of Northport Zoning Board of Appeals.

d. **Item 10D- Motion to approve Village Manager selection process and search contract.** The Michigan leadership Institute, through its consultant Chet Janik, has proposed a reduced fee contract to conduct the Village Manager search process. Mr. Janik conducted the search that resulted in the selection of the current Village Manager in the summer of 2023. He proposes a payment of $5250 plus direct expenses not to exceed $700. The process provides for the potential selection of a new Village Manager by mid-March, 2025. In order to begin the process immediately, assure completion before the 90-day notice. In the existing city manager contract, and to secure the reduced rate proposed, the matter was referred to the Personnel Committee on December 18, 2024. The committee authorized the Village manager to initiate the contract. Since that time Mr. Janik has received several inquiries concerning the position, yielding several good candidates. Mr. Janik will be present at the meeting to discuss the process and answer any questions.

POTENTIAL MOTION

I Move That the Northport Village Council ratify the Village Manager's acceptance of the service agreement with Michigan leadership Institute, and the schedule of interviews proposed, as presented.

e. **Item 10E- Motion to consider an attorney fee reimbursement request from Three Rivers Property, LLC and Karl Wizinsky.** This item is on the agenda as requested. The applicant has submitted numerous documents including a summary of the billings, the circuit court docket sheet, a plat amendment presentation dated February 21, 2014, from the Michigan Department of Licensing and Regulatory Affairs (LARA). The request was first presented by email directed to the village manager and cot copy to the Village President. The Village Manager declined to authorize the

request, for the reasons stated in this report and an email response. Both request and the denial response are also included for consideration by the Village Council. Though the Village manager recommends denial of the request, for proper consideration and debate a motion to approve is more appropriate.

POTENTIAL MOTION

I Move the Northport Village Council approve the reimbursement request, in the amount of $11,234, as presented.

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