From: Jim Dyer <manager@villageofnorthport.net>
Date: January 3, 2025 at 5:44:21 PM EST
To: Karl Wizinsky <kwizinsky@gmail.com>, Jim Dyer <manager1@villageofnorthport.net>, Chris McCann <tophercann@gmail.com>
Cc: Max Trierweiler <max@mittenbrewing.com>, Chris Andrus <chris@mittenbrewing.com>
Subject: RE: Reimbursement of Legal Fees

Karl,

I am responding to your email today, as we discussed yesterday.

First, let me say that I agree with you that the 2024 Northport Christmas tree lighting was a successful and spectacular event. I believe this success, and the popularity of this event can largely be attributed to the location and beauty of the decorated Christmas tree located on your property. The Village has expended significant sums this year to both decorate the tree and to fertilize and treat it to assure its health for future celebrations. My objective in the settlement discussions that resulted in the adoption of the February 2024 resolution by the Northport Village Council always had as a primary objective preserving this location as the focus of Northport's Christmas celebration into the future.

I still do not understand why we have not concluded the settlement that was reached last February. I have acknowledged my delay in producing the required quitclaim deeds, but the deeds were sent to you some time ago. They were also prepared referencing the O'non survey that you provided to me, which I understand that you commissioned. They describe your parcels accurately and convey to you any interest the Village may have previously claimed to the eastern most four feet of parcels A and B of the plat of Northport Village. The survey and legal description attached to and incorporated into the deeds were prepared by Nick O'non. Despite these facts, you still assert that "Agreements and settlements do not appear any closer that five years ago." This does not make any sense to me. Five years ago, the Village was clearly claiming a 20-foot right of way that included the 4-feet section that it is willing to quitclaim to you. There is much that has been conceded by the Village. Since it seems resolution now requires a response to the question that you pose in this email, and another dated November 6, 2024, I will try to respond to all your questions here. I will address the questions raised in your November 6, 2024, email first. I repeated your questions and responded with the red colored text:

1. There are currently two monuments approximately 16 inches apart at the NE corner of parcel B-1. You have indicated the survey attached to the draft QC deeds sent is the O'non monument put in place more than 10 years ago. The second monument further north was installed by John Korr during the recent replant survey request by the Village Council. Please provide documentation of the village's status now in the future of the replant survey and the plans for the removal of duplicate monuments? First let me clarify. I'm not certain when the monuments were placed by Mr. O'non. His survey references both found and placed monuments. What I meant to convey is that the quitclaim deeds I sent you were based on the survey that Mr. O'non performed for you. On the attachments to the deeds, I provided you there is a reference to his survey file number 202-0085-34LL3211, April 30,

2021. It was my understanding this was a survey that you commissioned. I believe this to be true because this survey and the legal descriptions were prepared from the exhibit that you provided to me to include on the February 2024 resolution. To my recollection Mr. O'nan also confirmed this verbally. The monuments installed by John Korr have no legal significance. Since the replant litigation was dismissed, they were never used to define a parcel in a judgment entered by the court. Following dismissal John Korr did ask the Village to pay him to both certify and record the survey work he performed during the replant litigation. The Village declined to do so in a motion at its July 6, 2023, meeting. A copy of those minutes is attached this response. At the current time I do not see any desire on the part of the village council to revisit the replat litigation. If anything, the village would pursue litigation to establish the existence of a right-of-way for Park Street. It has been my consistent advice that the village limit its claim to this right-of-way based on the 1990 survey performed by Mr. O'non. I see no reason to take further action. As for removal of the monuments placed by Mr. Korr, I do not believe it is advisable to remove them since they have no legal significance. I continue to believe that the February 2024 resolution of the Northport Village Council is the best solution to defining the lot line of parcels a and B, and assuring that Northport has an appropriate right-of-way for Park Street. It is long been my intent to record a copy of this resolution as part of an affidavit regarding real property to formally assert the right-of-way east of your property lot line.

2. **Parcels B-1 and B-2 on Tax for 42-450-029-00 on the Leelanau County tax parcel map. Please provide Northport's plans for parcels B-1 and B-2 still designated as private property.** I'm not sure I understand this question completely. Parcel B-1 is .037 acres lying in the right-of-way that has long been claimed by the Village of Northport. Parcel B-2 is that portion of parcel B that the village concedes is owned by you. I think you may be referencing parcel A-1 the .037 acres lying in the right-of-way claimed by the Village. Village of Northport plans to continue to assert that it has a right-of-way over parcels A-1 and B-1, and the entire graveled portion of Park Drive. The Village will assert this right-of-way against any owner, including Mr. Harper who maintains a claim of ownership based upon the quitclaim deed that you provided to him. Again, as I indicated, once the quitclaim deeds are signed and recorded, the Village intends to prepare and submit an affidavit regarding real property to formally make a recorded claim of its right-of-way over Park Street.

3. **Three the decision of Northport's counsel to drop scheduled mediation and pursuit of the can's consents are plat occurred in a closed meeting. Please provide any information of the primary reason for not proceeding with mediation.** The Village council took formal action to withdraw from the plat lawsuit in its meeting on April 13, 2023. A copy of those minutes is attached to this response. I can find no indication that a closed session was held for the reason suggested in your question. Regardless, the actual decision took place in a public vote. Based upon these minutes and my conversations with current council members and staff I can say with a high degree of confidence that the primary reason for not proceeding with mediation, and ultimately dismissing this lawsuit was that costs had been far more than projected by the attorney representing the village. There is also some suggestion that the outcome was not certain.

4. **Please provide a copy of the Onan survey of Park Drive from the 1990's.** If possible, I will provide a copy of the Onan survey to you at village expense. When I met with Mr. O'non to

discuss preparation of the legal descriptions for the quitclaim deeds I asked them to prepare an extra copy for you. I will contact him and remind him of that request.

Finally, your December 2, 2024, email asked " whether Northport is responsible for legal costs for a replat through court consent judgement that ended with no benefits for anyone, and legal cost should be reimbursed." You've asked for a yes or no answer. The answer is no. The opposing parties in a plat modification are responsible for their own attorney fees regardless of outcome. A plat modification action is governed by the Michigan Land Division Act, specifically MCL 560.221 through 560.229. There is no provision in this act to provide for fee shifting or the award of attorney fees to either party. Based on review the land division act it is my opinion that Northport is not legally responsible for the cost of any opposing party any plat modification action. In the two plat modifications that I was involved in four Calhoun County we did not reimburse legal fees for any opposing party.

As to whether the Village would reimburse the attorney fees described in your email, that could be accomplished only by act of the Village Council. As I've said to you in the past, I would not recommend such a request for reimbursement. To the extent it has been done by the Village in the past I believe that was an ill-advised decision that he would've also recommended against. Additionally, the amount requested is above my authority to pay without Village Council approval. This also be an unbudgeted expense and may result in other requests by property owners that were notified during the plat litigation, whether they appeared in the litigation or not. If the village council were inclined to reimburse any attorney fees it would be my recommendation that they wait to do so until the passage of notice. Work anyone that could assert such a claim would do so and be otherwise barred in the future.

If you wish this request to be considered by the Village Council at the January 9, 2025, meeting, please let me know as soon as possible. I would like to get the agenda out no later than Monday, January 6th.

I have tried to provide comprehensive answers to your questions. I hope, as a result, you will see that I've acted in good faith and have done everything that I can do to put our agreement in place and assure you of a consistent lot line for your property adjacent to the Park Street right-of-way. I sincerely believe the February resolution fairly and accurately resolves the dispute between you and the Village. It is also my hope that we can secure for Northport the long-term right for continued use of the Christmas tree, and just as important, the brick wall fronting on Nagonaba Street, for placement of the Northport sign. The Village would like to place a more permanent sign and continue the tradition of Christmas celebrations on your property. If this is not possible, please advise so we may begin planning to find an alternative location.

Thank you for your consideration.

Jim Dyer, Village Manager
Village of Northport
116 West Nagonaba
P.O. Box 336
Northport, MI 49670
O: 231-386-5182 x3
C: 231-386-2509

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

Roll Call:

Council Members Present: President McCann Trustees: Cook, Gale, Harper, Peterson, Cavendish and Ager.
Absent Members: None
Staff Present: DPW Superintendent- Chris Holton, Clerk/Zoning Administrator-Scott, Community Liaison/Treasurer/Deputy Clerk-Edmondson, and Harbor Master- Bill Rosemurgy

CLOSSED SESSION:

President McCann Moved, Supported by Trustee Ager pursuant to section 8(h) of the Open Meetings Act (MCL 15.268(1)(h)), to adjourn for the purpose of moving into closed session, for the purpose of limited discussion over the plat amendment with attorney David Beiganowski. Roll Call Vote: Yeas (7) Nays (0) Motion Carried.

The Closed Session began at 7:07 pm and ended at 7:56 pm.

Approval of Meeting Minutes:

Trustee Gale **Moved, Supported by** Trustee Cavendish to approve the March 9, 2023 meeting minutes as amended. **Motion Carried.**

Trustee Cook **Moved, Supported by** Trustee Gale to approve the March 29, 2023 special meeting minutes as presented. **Motion Carried.**

Approval of Agenda (amendments/additions):

None

2021-22 Financial Audit Review, Mary Krantz, Dennis, Gartland, Niergarth:

Mary Krantz, CPA with Dennis, Gartland, Niergarth reviewed the 2021-22 Financial Audit with the Board. The report was clean. The Board discussed additional control options for the staff.

Correspondence:

David Brigham- Correspondence on Northport Creek
John Mitchell- Veterans Memorial, Storm Warning Tower
Yarrow Brown- Housing Needs Assessment
Gregory Nobles- Second Street Replat

Trustee Cavendish reported that she had received correspondence and hadn't forward it but it was all about a grant opportunity for from Consumers Energy Foundation and the deadline for this one had passed but they do it every year and it's up to $25,000 and a lot of different projects apply. Cavendish said that she planned put it in infrastructure Dropbox and discuss at their next meeting.

Public Comment:

Campbell McLeod- Commented on the sewer project, REUs, Fishing Derby and the cost of the sewer to the users.
Greg Nobles- Commented on the 2nd Street Replating project, and asked the Council to drop the lawsuit.

Reports:

President McCann said that in essence of time, we have our reports and unless anybody has any objections all the reports were posted and the Council could just move past them, unless people had specific questions, that could be asked quickly.

Questions on Staff Reports:
Trustee Cavendish stated that she had a couple of questions with the Community Liaison report. One, there is some errors on the website that was pointed out to her by the public that Trustee Peterson and her email addresses were incorrect in multiple spots. Trustee Cavendish also questioned the new village hall sign that is up and when did that get approved for payment?
Trustee Gale responded that the sign was donated.

Trustee Ager asked DPW Superintendent Chris Holton to describe what happened with the dam at the Mill Pond.

Trustee Holton reported that the Village had received a violation notice from Robyn Schmit with EGLE. Holton explained that he was preparing a response to series of questions in the Violation notice regarding the drawdown of the pond.

Trustee Cavendish had several questions over the Bill Sheet that was answered by Clerk Scott.

Ongoing Business:

A. Plat Amendment:

Clerk Scott provided a list of bills for approval as follows; JFK Land Surveying - $880 and David Bieganowski- $3,078.60.

Trustee Harper **Moved, Supported by** Trustee Cavendish to withdraw from the replat lawsuit as soon as prudently possible. **Discussion:**

Trustee Gale stated that the Village had received advice from licensed professionals that she relied on and that now the Village was taking In direction from people who don't have the same training, licensure expertise. Gale reminded everyone to think carefully before making a final decision. Gale said that she did not like throwing away money, but was not certain that that the Council will be making an unreasonable decision when we hired people to do this work.

Trustee Harper stated that he would like to hear from some of the Trustees that are going to vote to continue the lawsuit. Harper asked those Trustees to articulate the benefit that the village is going to get from the Plat Amendment process because he could see none and that he had made this point over and over and over again. Harper said that using this lawsuit to settle the dispute with Karl Wizinsky is the wrong way to go and that the Village had advice from two village attorneys prior, that have advised the village to use a different legal tactic than what is being employed. Harper explained that as a matter of fact, and not in his legal opinion that Mr. Bieganowski has never tried a case like this in his entire career and that John Korr had never testified in a case like this and his entire career. Harper said that by continuing the replat process the council would be rolling the dice with taxpayers' money and that no landowner had asked for it.

Harper finished with that the village has a 20-foot-wide road that is paved, that is legally ours. If Karl thinks otherwise. Let him take us to court. We do not need to do this.

Trustee Cavendish pointed out that if the current bills for the replat are approved, then the Village will have spent $50,734.

Trustee Cook said that regardless of the way he voted tonight, he just wanted to be known that he didn't appreciate long texts that said if he didn't join the yes group, it will affect my legacy.

Trustee Ager said that she doesn't like being told that she was "conned" which suggests that people were malicious and malevolent and how to out to get money or do something to gain power. Ager said that she did not like hearing that, because she does not believe it. Ager said that she did not like being in Trustee Harpers camp. But that she had changed her mind tonight and decided to vote "no" to drop the drop the case. Ager said that she had pressed today the attorney, and that she had been pressing people to say what do we gain from this? Why don't we gain from this? To her surprise, she is going to vote with Trustee Harper, but that she did not enjoy it.
Roll Call Vote: Yeas (7) Nays (0) **Motion Carried.**

Trustee Gale Moved, Supported by Trustee Ager to pay the current bills for the replat in the amount of $3,850.60. **Roll Call Vote:** Yeas (4) President McCann, Trustees Cook, Gale and Ager.
Nays (3) Trustees Harper, Cavendish and Peterson. **Motion Carried.**

Discussion Items:

A. Fee Schedule:

The Council reviewed the proposed fee schedule that the Finance Committee has been working on. Trustee Harper would like no fee for Street Closures. The Council will take action on the Fee Schedule at their next regular meeting.

B. Planning Commission Appointments:

The Village Council had a discussion about the vacant seats on the Planning Commission and agreed to advertise by adding the notice to the Village website and Trustee Ager agreed to place a notice on Northport Neighbors. Trustee Harper expressed his concerns for keeping Trustee Cavendish on the Board. The Council agreed that two Village residents would need to be appointed for Cavendish's appointment to continue.

C. NLTUA Appointments:

Trustee Harper explained that Village and Townships joint NLTUA Board member Tim Overdier's time on the Board is up, and that he has volunteered to be on the Board and that President McCann has agreed to appoint him.

President McCann **Moved, Supported by** Trustee Ager to appoint William Harper to the NLTUA Board as the joint Village/Township member. Discussion: Trustee Gale said that it sounded like the appointment had been arranged and therefore no need to discuss. **Roll Call Vote:** Yeas (6) Nays (0) Abstained (1). **Motion Carried.**

D. Procedural review of bill paying process:

Trustee Harper raised concerns with the Bill paying process for the Village after the bills have been paid. Trustee Cavendish reported that she had done some research on the bill paying process and agreed that there may be a better way to proceed. The Council agreed to let the Finance Committee discuss the procedure and make a recommendation.

E. Village Social District:

President McCann explained that he met with business owners Daniel Caudill and Dave Kwiatowski about establishing a social district in the village. McCann explained that a Social District would allow for local businesses to sell beer, wine and liquor and other beverages to go and people in the social district could walk around the village with those drinks in hand. McCann said that there were some restrictions on where those common areas could be and that the requirements included getting approval from the liquor control commission, adopting a resolution for the social district, creating a management and maintenance plans and setting hours.

The Council agreed to discuss the details further at their next regular meeting.

Action Items:

A. Village Manager Search Proposal:

The Village received two proposals from Michigan Leadership Institute representative Chet Janik. Proposal A.) was to assist the village with searching for a Village Manager in the amount of $6,300 plus expenses not to exceed $1,000. Proposal B.) was to assist the village with searching for a Village Manager and to also provide a interim Village Manager 3 days a week in the amount of $450 per day, $225 per half day and not to exceed $5,500 per month for 3 months plus village related travel expenses.

Trustee Cook **Moved, Supported by** Trustee Harper to approve proposal B.
Discussion: Trustee Gale highlight that the Finance Committee did discuss and identified funds up to $18,500 available to pay for the proposal A or B.
Roll Call Vote: Yeas (7) Nays (0) **Motion Carried.**

B. Adopt Articles of Incorporation Amendment:

Trustee Cavendish explained that she found errors with the amendment after her review of the NLTUA Articles of Incorporation amendment. Trustee Harper said that the Amendment to the NLTUA Articles of Incorporation could not be approved tonight because the appointment of the Treasurer had been omitted from the resolution. The Council agreed to placing the action item on the next Council meeting agenda.

Payment of Bills:

Trustee Ager Moved**, Supported by** Trustee Gale to approve payment of the bills for the month of February when funds become available in the amount of $53,307.27 **Roll Call Vote:** Yeas (7) Nays (**0**) Absent (0) **Motion Carried**

Public Comments:

None

Council Comments:

Trustee Harper- Accept Trustee Agers apology and said he was not offended. Harper said that he had not been a gentleman tonight either, and was probably way worse. Harper apologize to the Council and the staff.
Trustee Ager- Apologized for taking on one of the Trustees. Ager said that she was trying to explain my vote.
Trustee Cavendish- wanted to find out if it would be possible for her to have office hours, and questioned which desk she could setup at. Cavendish said she would like to set a time that she could be in the office so that the public could come and talk if they have questions.

Adjournment:

Trustee Harper Moved, Supported by Trustee Peterson to adjourn the meeting at 10:16 pm. Motion Carried.

Several Citizens attended via zoom.

Joni l. Scott, Village of Northport Clerk

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

Roll Call:

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

The Village Council conducted a roll call, noting the absence of trustee Nancy Peterson. President McCann then read a letter from Nancy, tendering her resignation from the council due to declining health. The Council agreed to acknowledged and accepted her resignation, agreeing to add it to the agenda under Discussion/action item G.

Absent Members: None
Staff Present: DPW Superintendent- Chris Holton, Clerk/Zoning Administrator-Scott, Community Liaison/Treasurer/Deputy Clerk-Edmondson, and Harbor Master- Bill Rosemurgy Interim Village Manager- Chet Janik

Approval of Meeting Minutes:

Trustee Ager Moved**, Supported by** Trustee Cavendish to approve the June 8, 2023 meeting minutes with a few minor spelling corrections. **Motion Carried.**

Approval of Agenda (amendments/additions):

No other additions or amendments to the agenda were made.

Correspondence:

Clerk Scott announced that the Council had received three letters of correspondence. The first letter was from FEMA concerning the floodplain map and the amended ordinance. The second was an email from Mr. Nobles presenting a proposal regarding the social district. Lastly, Mr. Brigham sent a letter discussing Northport Creek and algae, referring to it as a "Michigan Trout Stream in Peril."

Public Comment:

Kirk Richards- expressed concerns about the lack of response to a letter sent to the village council regarding changes in the beach structure. He mentioned issues with the timely placement of floats for water safety, citing examples of boats parking near swimming areas and instances of smoking on the beach. Kirk emphasized the need to follow the rules and practices of other beach parks in the area. He expressed frustration over the delay in addressing these issues and questioned why necessary actions, such as placing floats, were not being taken.

Staff Reports:

A. **Clerk** – Clerk Scott provided a financial report for the month of June in agreement with the Treasurer/Deputy Clerk. In addition to the financial report Clerk Scott presented a written report with the following updates: The village is awaiting reimbursement from the State Waterways Fund for the initial phase of the marina project, and the second reimbursement request will be submitted after receiving the first payment. A preliminary version of a PILOT (Payment in Lieu of Taxes) Ordinance has been prepared and reviewed by the village attorney. The Finance Committee will discuss the document before it is presented to the Council for further review and potential action.

B. **Treasurer/Deputy Clerk** – Treasurer/Deputy Clerk Edmondson provided a report to the Council, noting that they have received approximately a dozen tax payments so far. They highlighted that the total contributions for fireworks to date amount to $6,191, excluding the uncollected cans.

C. **DPW**- DPW Superintendent Holton submitted a written report detailing the activities of the DPW. It was mentioned that the Benzie Leelanau Health Department is conducting weekly E. coli testing at the beach, and Northport's reading of 4 parts per million was noted as the lowest in the county. Holton expressed gratitude to the Fireworks Shooters for their hard work and commended them for putting on a great show.

D. **Harbormaster Report** – Harbormaster Rosemurgy submitted a report mentioning the difficulties in transitioning between Wi-Fi providers. The report also highlighted the absence of geese at the beach, thanks to the efforts of John Degroot, known as the "Geese Police," who provides a daily goose report and actively keeps geese out of the parks and beaches.

1. Kam Marine Agreement
   Harbormaster Rosemurgy explained that the agreement with former Northport Bay Boat Yard, now Kam Marine, hasn't been updated for over 30 years. The new agreement sets the nightly fee at $15 and addresses various concerns, such as the length of stay, provisions for bad weather, and access to electricity. The agreement allows for future changes if needed.
   Trustee Harper **Moved, Supported by** Trustee Cook to approve the agreement with Kam Marine that has been reviewed by the village's legal counsel.
   Roll Call Vote: Yeas (6) Nays (0) **Motion Carried.**

2. Anavon Wi-Fi Proposal:
   Harbormaster Rosemurgy provided information about the Wireless Networking Proposal from Anavon Technology Group, which amounts to $7,140. Rosemurgy noted that Anavon has agreed to postpone billing until the next fiscal year.
   Trustee Ager **Moved, Supported by** Trustee Gale to approve the proposal from Anavon Technology group for a wireless network system.
   Roll Call Vote: Yeas (6) Nays (0) **Motion Carried.**

E. **Zoning Administrator**- Zoning Administrator Scott provided a report on her activities for the month of June. Trustee Harper inquired about a zoning violation investigation related to Yard and Lake business. Scott explained that she was investigating the location of a food truck on the property, which could be in violation of the village's zoning regulations on parking distance from property lines. She also mentioned complaints about gases and noise and is awaiting a completed complaint form.

F. **Interim Village Manager**- The Interim Village Manager Chet Janik provided a quote for iPads and recommended them for the Village Council's use. He also presented a report outlining the suggested transition of village email accounts to Gmail. The Village Council agreed to switch to the new emails by August 1, 2023. Janik suggested changing the fiscal year from March-February to July-June, based on an outdated 1895 Michigan Law. The switch will be further explored with legal counsel.

Trustee Ager Moved, Supported Trustee Harper to have all Council members and staff move over to a village email by August 1, 2023.
Roll Call Vote Yeas: (6) Nays (0) Motion Carried.

Standards of Practice:
Janik also presented a draft Standards of Practice for the council to sign, emphasizing that it was not legally enforceable but aimed to outline ethical guidelines. Trustee Harper expressed disagreement, stating that people should be accountable, and the document restricts questioning authority. He believed it was not beneficial to the democratic process and would be voting against it.

Trustee Ager Moved, Supported Trustee Gale to adopt the Standards of Practice for the Village of Northport leaders, effective immediately.
Roll Call Vote Yeas: (5) Nays (1) Trustee Harper Motion Carried.

Zoning Administrator Search, Mansfield Land Use Consultants Proposal:

During the meeting, Interim Village Manager Chet Janik discussed the search for a new Zoning Administrator. They reached out to various officials and firms in Midland County to find a suitable candidate. After considering multiple options, they approached Mr. Mansfield from Mansfield Land Use Consultants. Mr. Mansfield was willing to take on the role and has extensive experience in municipal work. He expressed enthusiasm for being a part of Northport's projects and offered a proposal for handling the zoning responsibilities.

Mr. Mansfield's proposal includes providing services for $1,500 per month to handle day-to-day zoning needs, including special use permits and beautification. His firm has a team of professionals, such as engineers, architects, and surveyors, that can support the zoning efforts effectively.

Trustees expressed interest in reviewing the applicants for the Village Manager position to determine if any of the candidates could potentially take on the additional responsibilities of the Zoning Administrator. They acknowledged the importance of finding a suitable candidate who could effectively handle both roles and serve the community's needs well. The Council decided to conduct a discussion with the potential candidates to assess their qualifications and suitability for the Zoning Administrator position before making the final appointment. This approach allows them to carefully consider all options and select the right person to fill the important role in the community.

JFK Survey Work, Clarification:

Trustee Ager reported that she had consulted with two other surveyors, including the founder and president of Leelanau Surveying, and they both confirmed that no surveyor would certify another surveyor's work. Considering this, Trustee Ager suggested that if the village ever needed to use the survey work again, it would be beneficial to pay the remaining $1,200 to John for the preparation of a certificate of surveying and its recording.

Trustee Ager Moved, Supported by Trustee Gale to pay John Korr $1,200 for the certificate of survey. **Discussion** Trustee Harper expressed his opinion that he couldn't see any immediate need for the survey, but acknowledged that the amount was not significant. He mentioned that if the village ever required a replat or clarification in the future, it would likely necessitate new survey work.
Roll Call Vote was conducted, Yeas (3) Trustee Ager, Gale and Cook Nays (3) President McCann and Trustees Cavendish, Harper. resulting in a tie, and the motion failed.

Welcome Sign Agreement:

Interim Village Manager Chet Janik reported on the Welcome to Northport sign, mentioning that the lease agreement with the Weber family for the sign is expiring next month. He reached out to Mrs. Weber for an extension, but she declined any political signage clause, wanting the right to focus on her property as she chooses. On the other hand, Mrs. Edwards is agreeable to a lease and also supports a clause without political signage. Additionally, Mrs. Edwards offered to cover the cost of the water for her property's irrigation system, where the sign will be located.
DPW Superintendent Chris Holton confirmed that the sign can be moved, and its placement will involve some tree trimming. The plan is to make the footprint of the sign slightly smaller but vertically higher for better visibility. The sign is in need of repairs and painting, and Tom, a volunteer, has offered to work on it during the downtime.

Trustee Gale **Moved, Supported by** Trustee Harper to ask the Village Interim Manager to negotiate the details of the proposed agreement between the Village of Northport and Sherry Edwards to relocate the Welcome to Northport sign. **Discussion:** Trustee Gale expressed her desire for the village manager to be responsible for negotiating the specific details of the proposed agreement between the village of Northport and Sherry Edwards to relocate the Welcome to Northport sign. Trustee Cook's question, Interim Village Manager Janik confirmed that the Weber Contract expires on August 1, 2023.
Roll Call Vote: Yeas (6) Nays (0) Motion Carried.

Mill Pond Dam Update:

Mr. Janik, engineer Dan DeVaun, and Superintendent Holton are actively engaged in ongoing efforts to collaborate with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to address and resolve the violations related to the Mill Pond dam. They are working diligently to find an appropriate resolution and ensure compliance with regulatory requirements.

1. **Committee Reports:**

A. Employee Relations:

The Employee Relations Committee finalized the Office Assistant job description, which was approved by the Trustees for immediate posting. Additionally, the committee was tasked with developing a smoking policy, but Clerk Scott clarified that the existing Personnel Policy already addresses smoking during the workday on village property.

Office Assistant:

Trustee Gale Moved, Supported by Trustee Ager to approve the approve the office assistant position description as amended. Motion Carried.

B. Finance Committee:

The Finance Committee minutes were presented, and it was noted that new or updated policies were listed on the agenda for action.

C. Infrastructure:

There were no meetings or minutes to report for the Infrastructure Committee for the month of June.

D. Waterfront:

The Waterfront Committee minutes were presented, and it was mentioned that the Harbormaster and one or more dockhands would be working on Fridays during Music in the Park to handle waste removal.

E. Parks and Trails:

Parks and Trails Committee Chair McCann received notification that the Grand Traverse Band will grant $9,260.72 for playground equipment. The check presentation is scheduled for Friday, July 14 at the Grand Traverse Resort, with President McCann or Manager Janik attending on behalf of the committee.

2. **Ex-Officio Board Reports:**

A. Planning Commission:

Trustee Gale provided a verbal presentation on the Planning Committee activities for the month of June. She highlighted the recent appointments of the new Planning Commission Chair, Gretchen French, and the new PC Secretary, Virginia Foley.

B. NLTUA:

President McCann provided a report on the completed NLTUA (Northport Leelanau Township Utilities Authority) appointments by both the Township and Village. He mentioned that the NLTUA is currently addressing several major issues, including the Woolsey Lake Road sewer extension, an intergovernmental agreement to allow the NLTUA to borrow funds from the Village, the cleaning of the pressurized main, and connection fees for the Fairway View housing project.

3. Discussion/Potential Action Items:

A. Investment Policy and Depositor Designation:

The Council had a discussion about the amendments to the Investment Policy. The preparation of the Depositor Designation resolution for the next meeting was also mentioned during the discussion.

Trustee

B. Application fee and Escrow Policy:

During the meeting, there was a discussion regarding the application fee and escrow policy. It was mentioned that the policy was adapted from the Leelanau Township policy, but further research is needed to determine how to sequester funds appropriately.

C. Social District:

President McCann provided an update on the ongoing discussions regarding the establishment of a Social District in the village. The current focus is on creating a smaller footprint for the social district, and the matter is still being actively discussed and considered by the council.

D. Short Term Rental Taskforce:

Trustee Ager has taken on the responsibility of revising the terms that define the membership, expectations, and desired output of the Short-Term Rental Task Force. This revision aims to provide clearer guidelines and objectives for the task force's work and ensure that it effectively addresses the issues related to short-term rentals in the community.

E. NLTUA Request:

The Council approved a request from NLTUA (Northport Leelanau Township Utility Authority) to utilize the remaining $350,000 loan for the purpose of completing the cleaning of the pressurized main. This decision allows the NLTUA to proceed with the necessary cleaning work on the main infrastructure.

Trustee Gale Moved, Supported by Trustee Ager to authorize up to $350,000 of funds available to us as a loan at an interest rate of 2% to be paid in full by 2028 for this critical sewer main project with a repayment schedule to be determined. Roll Call Vote: Yeas (6) Nays (0) Motion Carried.

F. Solar Parklet:

The Council discussed the Solar Parklet, which was originally donated by the Village Museum and placed near the driving range. The Township expressed interest in having a structure at the dog park and reached out to the Village to inquire if the Solar Parklet could be relocated there. The Council agreed to the relocation and discussed the process of officially revoking the Solar Parklet to the Township.

Trustee Harper Moved, Supported by Trustee Gale to donate the solar parklet to the Leelanau Township Dog Park. Motion Carried.

G. Resignation Letter from Nancy Peterson:

Trustee Gale Moved, Supported Trustee Cook to accept with deepest regret the resignation of Trustee Peterson. Roll Call Vote: Yeas (6) Nays (0) Motion Carried.
The Council expressed their gratitude to Peterson for her service on the Council.

H. Closed Session to review Manager Applications:
Interim Village Manager Chet Janik recommended that the Council go into a closed session to discuss the applications for the Village Manager position in a confidential setting. This closed session would allow the Council to have a thorough and private discussion about the candidates before making a final decision.

Trustee Ager **Moved, Supported by** Trustee Gale to move into a closed session to review the Village Manager applications. Roll Call Vote: Yeas (6) Nays (0). Motion Carried.

The Closed Session began at 9:10 pm.

Trustee Gale Moved, Supported by Trustee Cavendish to go back into an open session. Roll Call Vote: Yeas (6) Nays (0). Motion Carried.

Trustee Ager **Moved, Supported by** Trustee Harper to have the Village manager contact the applicants for the village manager position and schedule interviews on July 17 and July 19th at 10 am. Motion Carried.

Payment of Bills:

Trustee Harper **Moved, Supported by** Trustee Gale to approve payment of the bills for the month of June when funds become available in the amount of $85,320.66
Roll Call Vote: Yeas (6) Nays (**0**) Absent (0) **Motion Approved.**

Public Comments:

Barbara Weber- requested Ross Hammersley, the village's attorney, to respond to her attorney regarding the sign removal. Additionally, Mrs. Weber request that Chris Holton, the DPW Superintendent, notify them when he completes the sign removal, as per their contract, so they can inspect the area to ensure that it has been restored.

Council Comments:

Trustee Gale- commented on the efforts of the Planning Commission in collecting bottles and cans to raise money for tree planting. She mentioned that Bob Newell has been actively picking up bottles and cans at the recycling center three times a day. However, Trustee Gale expressed concern about the condition of the recycling center, with items being dropped off haphazardly. She suggested discussing the matter with the township to address the issue.
Trustee Cavendish- raised the issue of revisiting the storage of the village's Zoom meetings and exploring the possibility of creating a YouTube page or finding another platform to store the meetings. She emphasized the importance of making the meetings easily accessible to the public, especially for those who cannot attend in person.
Trustee Cook- expressed his concerns about the four-way stop sign decision, stating that he voted against it. However, he also stated that he will support the council's decision. He shared his observation that there have been many close calls and near accidents since the installation of the four-way stop sign. Trustee Cook believes that the situation has worsened and that it might take some time for people to adjust to the new traffic pattern. He emphasized that the safety and well-being of the community are of utmost importance and that he will continue to support the council's efforts to address any issues related to the four-way stop sign.

Adjournment:

Trustee Cook Moved, Supported by Trustee Harper to adjourn the meeting at 9:55 pm.
Motion Carried.

Several Citizens attended via zoom.

Joni l. Scott, Village of Northport
Clerk

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