



# Village of Wolverine Lake [www.wolverinelake.com](http://www.wolverinelake.com)

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## VILLAGE OF WOLVERINE LAKE REGULAR COUNCIL MEETING WEDNESDAY, OCTOBER 10, 2018

### **1. CALL TO ORDER**

President Magee called the meeting to order at 7:00pm.

### **2. PLEDGE TO THE FLAG**

### **3. ROLL CALL**

Present: Scott, Sienkiewicz, Magee, Dumont, Duff

Absent: Nedrow, Malek

Others: Administrator Burd, Chief Ellsworth, Attorney Elowsky, Engineer Powell, Treasurer Kondek and approximately 16 members of the public.

Magee stated both Malek and Nedrow are out of town.

**MOTION** by Duff, seconded by Dumont, to excuse both Nedrow and Malek from tonight's meeting.

All in favor.

Motion carried.

### **4. RC 10/10/2018 20460 CORRESPONDENCE**

Letter from Tom Moersch Regarding Oak Island Paving.

Magee stated Council had a second letter regarding planning and building inspections. He stated he talked to the Administrator regarding this and the process was explained. He noted that the Oak Island paving would be discussed later in the agenda.

**MOTION** by Duff, seconded by Dumont, to receive and file correspondence, as presented.

All in favor.

Motion carried.

### **5. RC 10/10/2018 20461 ADDITIONS TO BUSINESS**

Magee stated he would like to add a Closed Session after Item 17 to discuss an item regarding the Administrator's employment and Item D. 2. Oak Island Paving Update.

**MOTION** by Duff, seconded by Dumont, to approve the agenda, as amended.

All in favor.

Motion carried.

**6. RC 10/10/2018 20462 1<sup>ST</sup> CALL TO THE PUBLIC – THIS IS AN OPPORTUNITY FOR CITIZENS TO ADDRESS THE COUNCIL ON AGENDA ITEMS.**

Magee opened the 1<sup>st</sup> Call to the Public.

Thomas Chiaravalli, 1845 Ladd Road, stated he came to Council 2 months ago regarding a problem he is having with his neighbor and a fence that is on his property. He stated the Administrator did come out to his house to talk to him about the situation. He thought he would get it resolved, and nothing has happened. He got a legal recommendation and that is it. He asked what the guidelines are for applying for a permit to put a fence up? He stated residents are supposed to adhere to the given guidelines when putting up a fence and then someone from the Village should come out to make sure the guidelines are followed. This did not happen with this fence. He stated a woman next door to him put up a fence that crosses over onto his property. He noted there have been documented conversations regarding this and somehow it got approved. He stated a survey was done showing the property line and it still somehow got approved. Magee stated the next step is to go to Circuit Court. Mr. Chiaravalli stated he doesn't understand why he has to go to court to explain why the building inspector did not do his job. He questioned why the Village has guidelines if they are not going to be enforced. He questions if the building inspector is in cahoots with his neighbor and that this is why this was allowed to happen. Attorney Elowsky stated they investigated this and it is a civil dispute that has to be handled by the Circuit Court. The Village does not have any way to resolve this dispute.

Magee closed the 1<sup>st</sup> Call to the Public.

**7. RC 10/10/2018 20463 APPROVAL OF CONSENT AGENDA**

**MOTION** by Sienkiewicz, seconded by Duff, to approve the Consent Agenda, as presented.

**ROLL CALL VOTE**

AYES – Sienkiewicz, Magee, Dumont, Duff, Scott

NAYS – None

ABSENT – Nedrow, Malek

Motion carried.

**8. RC 10/10/2018 20464 APPROVAL OF MINUTES – REGULAR MINUTES – SEPTEMBER 12, 2018.**

**MOTION** by Sienkiewicz, seconded by Duff, to approve the Regular Meeting Minutes of September 2018, as submitted.

**ROLL CALL VOTE**

AYES – Sienkiewicz, Magee, Dumont, Duff, Scott

NAYS – None

ABSENT – Nedrow, Malek

Motion carried.

**9. RC 10/10/2018 20465 RECEIVE AND FILE WRITTEN REPORTS.**

Police Report for 9-18  
Code Enforcement Report 9-18  
Building Report of 9-18  
Fire Report of 9-18  
Park and Recreation for 9-17-18  
ZBA for 9-18-18  
Water Management Board for 10-3-18

**MOTION** by Sienkiewicz, seconded by Duff, to receive and file written reports, as presented.

**ROLL CALL VOTE**

AYES – Sienkiewicz, Magee, Dumont, Duff, Scott  
NAYS – None  
ABSENT – Nedrow, Malek  
Motion carried.

**10. RC 10/10/2018 20466 APPROVE WARRANTS**

Approve Payables for the month of September in the amount of \$127,745.95.

**MOTION** by Sienkiewicz, seconded by Duff, to approve Payables for the month of September in the amount of \$127,745.95, as presented.

**ROLL CALL VOTE**

AYES – Sienkiewicz, Magee, Dumont, Duff, Scott  
NAYS – None  
ABSENT – Nedrow, Malek  
Motion carried.

**11. RC 10/10/2018 20467 PUBLIC HEARINGS**

None

**12. A. 1. RC 10/10/2018 20468 RECOMMENDATION FROM THE ZONING BOARD OF APPEALS – RECOMMENDATION TO APPOINT BONNIE TUPPER TO THE ZONING BOARD OF APPEALS FOR A TERM EXPIRING 12/31/19.**

Duff introduced Bonnie Tupper and stated he believes she will be a good addition to the Board.

**MOTION** by Duff, seconded by Dumont, to appoint Bonnie Tupper to the Zoning Board of Appeals for a term expiring on December 31, 2019, as presented.

All in favor.

Motion carried.

Administrator Burd swore Bonnie Tupper in to the Zoning Board of Appeals.

**12. B. 1. RC 10/10/2018 20469 RECOMMENDATIONS FROM THE WATER MANAGEMENT BOARD – MOTION TO ASK COUNCIL TO CLARIFY THE HOMEOWNER’S RESPONSIBILITY AND VILLAGE’S RESPONSIBILITY, AS A MUNICIPALITY, FOR THE MAINTENANCE OF THE LAKEFRONT.**

Scott stated this has been a regular question to the Water Management Board from some homeowners asking where their responsibility begins and ends. They question some of the weeds that find the way to shore. He wants to know if the Village has something official as far as rules and if not, create something.

Attorney Elowsky stated the questions she is hearing are: Is the Village responsible to maintain the lake? Where does that responsibility end and does that include the shoreline? Scott agreed. She stated she would be happy to investigate putting something together to address this.

Sienkiewicz stated the Village used to have a Friday pickup and we don’t have that anymore. When he gets weeds, he piles them up on the shore and lets them dry for a day and then puts them in with the yard waste. He stated there are a couple of properties that he has seen, either from the harvester or boat traffic, where they are overwhelmed. He thinks that the harvester can help sometimes, in specific situations. He thinks a solution would be to reinstate the Friday pickup or let the harvester help in certain situations.

Chief Ellsworth stated it is important to note that the Village of Wolverine Lake does not own the lake. The State of Michigan owns the lake and they tell us what the Village can and cannot do. The things the Village does out on the lake is done gratuitously to help the citizens.

**MOTION** by Duff, seconded by Scott, to request the Village Attorney review this and draft a memo and work with the Administrative Committee to get clarity on the issue and get back to Council, as presented.

All in favor.

Motion carried.

**12. C. 1. RC 10/10/2018 20470 RECOMMENDATION FROM THE ADMINISTRATIVE COMMITTEE – RECOMMENDATION TO AMEND THE OAK ISLAND SEA WALL MAINTENANCE AGREEMENT.**

Administrator Burd stated there is a seawall on Oak Island that has been damaged. He noted the Village has had an agreement with three property owners there since the early 1990’s to maintain it. This will change that agreement, with their approval, to transfer responsibility of that seawall back to the property owners. The funds that have been collected from these property owners would be divided and refunded back to them for the purpose of maintaining the seawall.

**MOTION** by Dumont, seconded by Sienkiewicz, to approve amending the Oak Island Seawall Maintenance Agreement, as presented.

**ROLL CALL VOTE**

AYES – Magee, Dumont, Duff, Scott, Sienkiewicz

NAYS – None  
ABSENT – Nedrow, Malek  
Motion carried.

**12. D. 1. RC 10/10/2018 20471 RECOMMENDATIONS FROM ENGINEER POWELL – 2018 CRACK SEALING PROGRAM.**

Engineer Powell stated this is something the Village does each and every year in the late fall. The Village waits until the end of the year because as the pavement cools, the cracks get as wide as they are going to get and it gives the Village the ability to fill them. A & R Sealcoating was the lowest bidder of three; he noted they have been the low bidder for several years and have never raised their price. He stated they charge \$0.49 per lineal foot and do a good job. He recommends Council goes with them for the crack sealing this year.

**MOTION** by Duff, seconded by Sienkiewicz, to award this year's sealcoating contract to A & R Sealcoating, as presented.

**ROLL CALL VOTE**

AYES – Dumont, Duff, Scott, Sienkiewicz, Magee  
NAYS – None  
ABSENT – Nedrow, Malek  
Motion carried.

**12. D. 2. RC 10/10/2018 20472 RECOMMENDATIONS FROM ENGINEER POWELL – OAK ISLAND PAVING UPDATE.**

Engineer Powell stated the paving has been going on all week. He stated the parking areas have been completed. He stated they will be in tomorrow to put on the final coat. They then will put small wedges in to control the flow of water. He hopes to have the project completed this week. Administrator Burd stated he has had some contact with the residents on Canal, which is a private road. The contractor apparently indicated to them they would be interested in doing that road. Administrator Burd did let them know that while the Village is sympathetic, the residents of Canal would have to pursue it privately as it's not anything the Village would pay for or oversee. Engineer Powell stated that is correct.

Magee stated the parking was agreed upon with the Oak Island Association and others. He stated Mr. Moersch is not happy about where the parking went in.

**MOTION** by Duff, seconded by Dumont, to open the discussion to the public.  
All in favor.  
Motion carried.

Tom Moersch, 265 Oak Island, stated the paving is done so there is nothing that can be done. He stated when they had it paved they had to pull a permit, he would assume Canal would have to do the same thing. He stated from where they ended the pavement coming off the main road, he would like to see it paved from there to Circle Drive. Secondly, he thinks this should have been

done in 2001. He is asking the Attorney draw up something that will be binding to future Councils that no more development of the ghost road will happen. He stated the ghost road encompasses 7 or 8 different homes. He stated they tried to get the park dedicated in 1985 and it got dropped. He does not want any more land taken from the residents.

Debbie Malbin, 25 Payne Court, stated there is a sign off Tampa that states it is private property.

**MOTION** by Duff, seconded by Dumont, to close the discussion to the public.

All in favor.

Motion carried.

Engineer Powell stated the approved Park Plan has the three parking spaces in the island area between Oak Island Drive and the Circle Drive that Mr. Moersch is talking about. He stated the circle drive serves independent driveways. He stated there is approximately five feet between the new parking spots and Circle Drive but it goes the entire width of the parking area. It is an area that will have to be maintained. If Council wanted to they could extend that pavement. However, it would entice people to not back out and to pull straight forward and use Circle Drive to exit. He stated he has always treated Circle Drive as a driveway.

Magee stated he would prefer to keep the parking area and Circle Drive as separate. He stated regarding the ghost road; as a legal matter this Council cannot bind future Councils. He believes the areas would have to replatted. He suggested sending this to the Administrative Committee for further review.

**MOTION** by Duff, seconded by Dumont, to send this to the Administrative Committee for further review, as presented.

All in favor.

Motion carried.

**12. E. RC 10/10/2018 20473 UPDATE FROM THE VETERANS MEMORIAL COMMITTEE.**

Magee stated the Committee came to a motion and he recommends it strongly. He stated there are still a lot of different visions of what this Memorial should be. He believes the Committee missed a step in the beginning in that there wasn't an envisioning session of what it should be. The motion was to have Council's next work session as a presentation from Project SNAP and an envisioning session. He would like to have everyone bring an idea of what they would like to see for the Veterans Memorial, so the Village can collectively see what the community wants.

Debbie Malbin, Chairperson of the Veterans Memorial Committee, stated they have a lot of different visions and a lot of questions. Dumont asked if they could narrow it down to perhaps two ideas. Malbin stated she thinks they could but then it would be Council's final decision. Magee stated he doesn't believe that would get the Committee where it needs to be. Dumont stated the Committee that was set up should come up with a choice and then bring it to Council.

Magee stated he feels the Committee missed the step of giving Council an idea of what they were looking for and the Committee has been divided on what they want. He feels the Committee should sit down with Council to see if there can be a consensus.

Scott suggested having the Village Planner sit in on this meeting as they have a background with these projects. Burd stated he knows Carlisle Wortman would be willing to help with a rendering but Council needs to give them an idea of what is wanted. Scott stated he believes they could sit in on the meeting and help Council come up with something based on the discussion.

Sienkiewicz stated Council needs to get a handle on a budget and location and go from there. Magee stated that's why the Committee needs to start over and decide what they want. He stated Project SNAP has a lot of great ideas and he would like to see what they have to offer.

Dumont believes it should be up to the Committee to bring designs to Council. Council is undercutting the Committee if we make the decisions for them.

Malbin stated they did get involved with Project SNAP because of what they have to offer. She is anxious to hear what they have to bring to the table. She stated the project that they would do would also be placed in the Pentagon for two years. She stated the Committee has one shot with them and then they will move on.

**MOTION** by Sienkiewicz, seconded by Scott, to schedule the Work Session as a presentation from Project SNAP, as presented.

**ROLL CALL VOTE**

AYES – Scott, Sienkiewicz, Magee

NAYS - Dumont, Duff

ABSENT – Nedrow, Malek

Motion fails.

Scott stated Council has the Memorial Committee here with a recommendation to just hear a presentation from Project SNAP. He doesn't understand why Council cannot just move forward.

Duff stated the Committee has been completely inflexible with Council, including members. He would only be supportive if they started completely over from square one.

Sienkiewicz recommended hearing the presentation and Council can decide if they want it or not. He stated this is just informational. Magee stated Council needs more information to make any kind of decision. Sienkiewicz stated to let something like this slip by would be foolish.

Dumont stated he wants the Committees to make decisions and bring motions to Council, which they have not done. Magee stated the Committee made a motion tonight to recommend Council have Project SNAP give a presentation.

Duff stated because the Committee cannot come to a consensus and decide, Council now must and he wants all previous decisions null and void and started over.

**MOTION** by Duff, seconded by Scott, to set October 24<sup>th</sup> Work Session as a presentation from Project SNAP and to roll back to the beginning of the process, as presented.

All in favor.

Motion carried.

**12. F. RC 10/10/2018 20474 DISCUSSION – OAKLAND COUNTY NO HAZ PROGRAM.**

Administrator Burd stated he received an invitation to participate with the County's program. He stated while he appreciates the invitation, he does not think it will be a good fit for us. All of the locations are not near the Village and we would have to assign people to work. He noted this is just a discussion item.

**12. G. RC 10/10/2018 20475 DISCUSSION – SCHEDULING OF THE 2018 APPRECIATION DINNER.**

Administrator Burd stated he would like to identify a couple of dates that would work for everyone. He stated it typically is always the first or second week in December. Sienkiewicz stated he would prefer it be as far away from Christmas as possible.

All agreed that December 6<sup>th</sup> would work.

Administrator Burd stated he will look into some venues and report back to Council.

**12. H. RC 9/12/2018 20476 2<sup>nd</sup> CALL TO THE PUBLIC – APPROXIMATELY 9:00PM OR AT THIS AGENDA ITEM (WHICHEVER COMES FIRST). THIS IS AN OPPORTUNITY FOR CITIZENS TO ADDRESS THE COUNCIL REGARDING VILLAGE BUSINESS.**

Magee opened the second Call to the Public.

Linda Champagne, 250 Oak Island, stated Commerce Parks and Recreation is looking to do weekly Music in the Park on Fridays at the Richardson Center. She stated they are getting their liquor license as well. It would be the last week of June through August. She thanked Magee for his service and stated he will be missed.

Joseph Tupper, 676 Wolverine Dr., thanked Magee for all he has done. He stated he has been a great part of our community and he will be sorely missed.

Geri Matkowski, 670 Wolverine Dr., stated back in the day if someone had a lot of weeds the harvester would come over and help out. She believes this is how it should be. She thanked Magee and stated he has been a blessing to this Village.

Ken Milburn, Merge Live, 201 Legato, Walled Lake, stated last week he did a video service for Wixom in Milford regarding a pollutant they found in the Huron River Watershed. He stated it was a really good meeting with a lot of representatives in attendance. He stated they gave a detailed presentation. He stated it might be of interest for Village residents to view the video. He stated it can be found on the Wixom or Milford websites.

Magee closed the second Call to the Public.

**12. I. 1. RC 10/10/2018 20477 RESOLUTION EXEMPTING THE VILLAGE FROM ACT 152 REQUIREMENTS, ACCORDING TO MCL 15.568 SECTION 8 (1).**

MOTION by Sienkiewicz, seconded by Duff, to approve Resolution exempting the Village from Act 152 requirements, according to MCL 15.568 Section 8 (1), as presented.

**ROLL CALL VOTE**

Ayes – Scott, Sienkiewicz, Magee, Dumont, Duff  
Nays – None  
Absent – Nedrow, Malek  
Motion carried.

**12. J. 1. RC 10/10/2018 20478 RECOMMENDATIONS FROM POLICE CHIEF ELLSWORTH – REQUEST TO PURCHASE AUTOMATIC DOWNLOAD “WATCHGUARD” SYSTEM.**

Chief Ellsworth stated this is from budgeted funds and he got the price dropped a few hundred dollars, which he was happy about. He stated this will help with the Police Department’s video and it will be much more secure.

MOTION by Duff, seconded by Dumont, to approve request to purchase Automatic Download “WatchGuard” System at a cost of \$9,330, from budgeted funds, as presented.

**ROLL CALL VOTE**

AYES – Scott, Magee, Dumont, Duff, Sienkiewicz  
NAYS – None  
ABSENT – Nedrow, Malek  
Motion carried.

**12. K. RC 10/10/2018 20479 SET TOPICS FOR OCTOBER 24 WORK SESSION.**

Magee stated this has been set.

**13. RC 10/10/2018 20480 PENDING BUSINESS**

None

**14. RC 10/10/2018 20481 UPDATE FROM CHIEF ELLSWORTH**

Chief Ellsworth stated the new computers have arrived and are being installed. He stated the new speed signs should be arriving within the week. He thanked the Marine Officer for his patrol; 31 citations were written. People were really pleased. He passed out a flier regarding Being the Match bone marrow registry drive. He stated this is another good thing for the Police Department to be involved in. He noted tomorrow the Police Department is hosting an event with many other community departments and the FBI for training. He is very excited the Police Department is able to host this.

**15. RC 10/10/2018 20482 UPDATE FROM TREASURER KONDEK**

Treasurer Kondek stated all of the audit field work is almost completed and the Presentation will be November 12.

**16. RC 10/10/2018 20483 UPDATE FROM THE ADMINISTRATOR**

Administrator Burd stated Election Day is November 6<sup>th</sup>. He stated the Village has nine Charter Amendments on the ballot. He thinks it will be a high turnout election and encourages everyone to learn about the Charter Amendments. He stated information is available on line and they were published in the Spinal Column. The Village will also be emailing the information out. He stated a sample ballot is available at Village Hall if anyone wants to stop by and see it. He reminded everyone the next meeting will be Monday November 12<sup>th</sup>. He stated the Village has started the gradual drawdown of the lake. He stated there was a lot of rain so it's hard to tell. The DPW is going to be taking the buoys out of the water tomorrow or Friday. He thanked Magee for his time. He stated he has been in hundreds of public meetings and doesn't think anyone runs them as well as him. He presented him with a gift from the staff of a street sign that was one of the prototypes.

**17. RC 10/10/2018 20484 COUNCIL COMMENTS**

Scott stated he wishes the best to all in Florida with the hurricane. He noted he was at the Lakes Area Youth meeting and Mr. Stack's name was mentioned. Stack has been a huge contributor in the community. He stated tomorrow is an important day for all involved in that unfortunate incident. He thanked Magee for all of his years of service and leadership.

Sienkiewicz thanked Magee for all of his time. He asked if anything has happened with the phragmites yet. Burd stated they have been treated. Sienkiewicz stated he noticed the swing set in Amenia Park needs to be moved back. It is way too close to the parking area. He feels it is unsafe.

Duff thanked Magee for his service.

Dumont thanked Magee and told him he has a unique gift.

Magee stated he will be at the Work Session and it has been an extraordinary pleasure to be able to lead the Village through some difficult times. He thanked everyone who has been involved throughout the years.

**MOTION** by Duff, seconded by Dumont, to move to Closed Session at 9:00pm.

**ROLL CALL VOTE**

AYES – Sienkiewicz, Magee, Dumont, Duff, Scott

NAYS – None

ABSENT – Nedrow, Malek

Motion carried.

President Magee called the meeting back into Session at 9:42pm.

**MOTION** by Dumont, seconded by Sienkiewicz, to accept the resignation of Administrator/Clerk Nathan Burd, effective December 10, 2018, and to direct the Administrator to receive proposals from municipal executive search firms for consideration at the October 24, 2018 Special Meeting of Council.

All in favor.

Motion carried.

**8. RC 10/10/2018 20485 ADJOURNMENT**

**MOTION** by Sienkiewicz, seconded by Duff, to adjourn the meeting at 9:44pm.

All in favor.

Motion carried.

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Nathan Burd, Village Administrator  
Sheila Nicholas, Recording Secretary

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John Magee, Village President