

CITY OF SYLVAN LAKE
REGULAR MEETING
APRIL 9, 2008

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, April 9, 2008; opening at 7:31 p.m. Mayor Hungerman presided over the Pledge of Allegiance.

Present: Hungerman, Lorenz, Maurina, Shepp, Wiegand

Absent: None

Also Present: City Manager Martin, Clerk Clippert and City Attorney Bibeau

Yes: All

No: None

MOTION CARRIED

APPROVAL OF AGENDA

Martin requested to add adjourn to an executive session to discuss pending litigation and Lorenz requested to add discussion of trail crossing. Mayor Hungerman said 10E would be Discussion of the Trail Crossing and 10F would be Approval to adjourn to executive session to discuss pending litigation.

Moved by Lorenz, seconded Maurina, to approve the City Council Agenda for April 9, 2008, as amended.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Lorenz, seconded Maurina, to approve the following minutes as presented:

March 12, 2008 Regular Meeting

March 19, 2008 Special Meeting

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Lorenz, seconded Maurina, to approve the voucher report for April totaling \$189,911.98

Mar Payroll	\$ 45,410.96	Check #'s 10635-EFT83
Accts Pay-Mar-Apr	\$144,501.02	Check #'s 42740-E000000022
Totaling	\$189,911.98	

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Hungerman received the DPW's and City Attorney's report for the month of March 2008, the Police Department report for February 2008 and asked that they be placed on file.

COMMITTEE REPORTS

Eric Wiegand reported for the Home & Garden Tour and stated they sold out all the ads. There are eight exceptional homes and four gardens. They would like to see a better turnout from Sylvan Lake residents this year. Money goes toward Community Center kitchen/landscaping.

Brad Conkey reported for the Dock Committee and stated they have drafted some changes and would like to go over them with City Council at their next study session.

Hungerman added the Sylvan Shuffle is Saturday at 9:00 a.m. It starts at the Oakland County Boat Club.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Brad Conkey said the DPW drove in the park today and caused ruts because the ground is so soft. He asked that this be fixed while the ground is still wet. Martin stated he has already spoken with them regarding this issue. Conkey also voiced cars are speeding on Ferndale and asked if the speed limit sign could be moved closer to Garland on Ferndale. Maurina added, speeding is usually after school. Conkey agreed from 4-7 p.m. Martin stated he will let the police know.

C4-005-08

Mike Zubrycki stated noise escalated at the DTE property last week; trucks were idling. The police were called and waited 45 minutes so they could issue a ticket, but no driver came back out. He is frustrated they can't get them to stop. The problem has been going on for 1 ½ years now. He asked what can be done about it. He stated a nuisance letter was sent to DTE and he would like the City to enforce it. Martin clarified, DTE has been notified, but a nuisance letter was not sent. They have been addressing the issues as they come up. Bibeau stated he has spoken with the police regarding the logistic problems. Martin explained they have been trying to site the drivers or individuals leaving the trucks idling, but the problem is they are not in their trucks.

Maurina asked if they heard back from DTE regarding the letter that was sent. Bibeau stated he has and they have spoken with management and stated they are doing everything they can. He feels it may be a communication issue. Martin suggested having a meeting with Mike Palchesko and the local manager. Hungerman agreed a meeting with the General Manager would be good. Wiegand feels stronger action is needed. Shepp explained the city has no real legal recourse. Most of the property is in Bloomfield Township and only a small portion is in Sylvan Lake. Lorenz asked if the residents could file a lawsuit themselves. Bibeau stated they could. Maurina suggested putting up the cameras that were suggested and put it in writing and following through with it.

Lorenz asked Martin what the pros and cons are of writing a nuisance letter. Martin stated negatives would be follow up. It is an idle threat that probably won't serve any purpose. If council feels it is a real public nuisance, not just a few residents, but to the general residents of the city, then there are actions the city can take.

Lorenz asked Zubrycki if he is asking the city to file a lawsuit against DTE on behalf of the residents. Zubrycki replied, he would like to abate the noise caused by the increase of industrial activity subsequent to November 2006. Bibeau stated he is not sure the increase in that activity is unlawful.

Zubrycki read a Macomb Circuit Court opinion where the nuisance ordinance in Fraser was upheld against an industrial operation that increase their activity causing noise and vibrations to surrounding neighbors. Bibeau stated he would like a copy of this.

Lorenz reviewed how DTE went to the Planning Commission and asked to expand their garages in both Sylvan Lake and Bloomfield Township. At that time DTE was preparing to put up a wall to help create a sound barrier and what the Planning Commission did, was say they weren't interested in allowing this expansion. This partially happened because of the nuisance that was going on to the neighboring property. What this did was cause them to take everything off the table and not put a wall. Martin added, the other issue is they are planning on moving. So they are not going to be willing to spend a lot of money on anything that is not necessary. Maurina doesn't believe a wall is going to fix the vibration issue.

Lorenz stated at a minimum they can have the police write tickets to DTE and issue the General Manager a ticket if he won't provide who is driving the truck that is idling. Bibeau suggested meeting with them also.

Zubrycki also had an article from Cummings Diesel on the nuisance effects of diesel engines.

Martin will setup a meeting with the General Manager and let them know what the next steps are going to be.

CITY MANAGER COMMENTS

Home & Garden Tour

Martin announced the tour is June 21st.

Michigan Week Breakfast

Is a celebration of Michigan week. Helen McAllister is on the committee this year. For the last three years someone from Sylvan Lake has been honored and received an award. Tickets are available through the West Bloomfield Twp. Park & Recreation Dept. The breakfast is May 16th.

Beautification Day

A group of residents would like May 17th as Sylvan Lake Beautification Day. It is a day for everyone to get out and do spring cleaning.

Hazardous Waste Collection

May 3rd at the West Bloomfield Civic Center. Residents only have to show their ID. There are two volunteers to help senior citizens with getting their hazardous materials over to West Bloomfield, Lisa Brownlee and Preston Wertheimer. Justin Hatch also volunteered. This will be in the newsletter and on the website.

CITY COUNCIL COMMENTS

Maurina expressed she noticed the patching on the side of the road and asked who is paying for this. Martin stated it is coming out of the money that was owed to the contractor, which is now in the street and drainage project fund. Maurina thanked everyone for coming to the meeting and sharing their comments.

Shepp had no comment.

Wiegand stated the sign at City Hall is falling down. He suggested building a new one or repairing it properly. Also he questioned if the trail would be re graded this year. Martin replied, nothing major, a little of filling in. Wiegand requested to speak at a study session on foreclosures and addressing the clean up time allowed.

Lorenz shared, some residents have been searching through past meeting minutes and thought we should take some historical items of previous times in Sylvan Lake and insert them in the newsletter and this is where the request came from for the beautification day.

C5-002-08

Moved by Lorenz, seconded Maurina, to make May 17th Sylvan Lake Beautification Day.

Yes: All

No: None

MOTION CARRIED

Lorenz thanked the dock committee for their research and discussions for enforcing the rules.

Hungerman addressed the foreclosure on Rosedale which brought up Wiegand's request. Hungerman stated the City did contact the bank on the first day when things were being put out, but it took a week for it to be cleaned up.

Hungerman noted there are leaves at the Whitfield property. He is not sure if this is from the hauler from the fall collection. Martin will call the hauler and check with them.

Hungerman also thanked everyone for attending the meeting.

ACTION ITEMS

a. Discussion of Boat Dock Payment Policy BD-005-08

Martin reviewed there are four residents that did not pay for their dock space on time. Last month City Council asked the Boat Dock Committee to review this and the majority recommended allowing the resident to keep their dock by paying a large fine or penalty. They didn't offer a recommendation for the penalty. Their discussion ranged from a couple hundred dollars to \$500.

Wiegand stated he is in favor of a substantial fine. Shepp stated a dock space is not a right but a privilege. He feels dock spaces have been lost in past years and to continue with this practice. He asked if the dock spaces have been assigned to anyone else yet. Martin stated they have not. He will accept the dock committee's recommendation if council is in agreement.

Martin pointed out that City Hall actually called those who didn't have their money and application in on the last day. He stated this will not happen if this extension and penalty take place. A letter will only be sent if the resident did not apply on time.

Hungerman made known there are 167 dock spaces and six chose not to renew. He is not opposed to a penalty but wants everyone to know there is a lengthy waiting list. Maurina added, letters were sent in December and it was in the newsletter each month after that.

Wiegand stated council often appoints committees to study issues and then council goes above them and changes the policy their own way. He feels if council asks a committee to study and recommend something and the committee recommends it with a majority vote, and then council changes what they considered to be right. This doesn't seem justified to Wiegand. Shepp interjected there are all kinds of committees and city council listens and discusses the committee's recommendation and does what they feel is best, whether that is against the committees recommendation or for it.

Moved by Lorenz, seconded Wiegand, to amend the boat dock policy to levy a late fee in the amount of \$300 in the event a dock holder fails to pay their dock fee by the due date. The dock holder will have 14 days to pay the dock fee, late fee, supply all of the other required information, and be in compliance with the rest of the boat dock policy and to continue to have the privilege to have a dock space.

Yes: All
No: None

MOTION CARRIED

BD-006-08

Moved by Lorenz, seconded Wiegand, to grandfather the current four, who were late in paying this year, if they pay within seven days of notification by City Hall, with paying the additional late fee.

Yes: All
No: None

MOTION CARRIED

b. Discussion of 2008 Fireworks and Parking **M-002-08**

Hungerman announced the Oakland County Boat Club fireworks will be displayed July 3rd with a rain date of July 5th. The show will be bigger than last year because of the fundraising. The difference in the show will be the choreography.

Hungerman asked City Council if they wanted to continue with the past parking of “no parking” on the City streets. The majority of council agreed they did. Martin will have a traffic control order written up and bring to City Council for their approval. Lorenz asked the audience who is in favor of “no parking” during the fireworks. Three quarters of the audience raised their hands. Hungerman didn’t agree. He feels it impacts a lot of residents who have parties.

Moved by Shepp, seconded Maurina, to approve the date of July 3rd and a rain date of July 5th for the annual fireworks display hosted by the Oakland County Boat Club with the same conditions as previous years.

Yes: All
No: None

MOTION CARRIED

Hungerman shared one of the members of the Boat Club has a pontoon hauler business and he has volunteered to move those boats at the Community Center if anyone needs help and will store them in the city for some cost, but at a reduced fee. Hungerman will get with Martin to let him know the particulars.

R2-003-08

c. Approval of Resolution Supporting the Annual Memorial Day Parade

Moved by Wiegand, seconded Lorenz, to approve the resolution supporting the annual Memorial Day Parade.

Yes: All
No: None

RESOLUTION ADOPTED

d. Appointment of Dock Committee Member

Lorenz suggested it be put in the newsletter.

e. Discussion of Trail Crossing

RT-002-08

Lorenz stated he felt this needed to be discussed because the rails to trails committee has discussed it in the past. Martin explained the options which have been looked into: stripping the trail where the track was diagonally, taking it down toward Sherwood and having a 90 degree angle to cross, a safety island in the center-it would be in the left turn lane, or a pedestrian activated stop light. Lorenz continued stating the Road Commission has now stated they will support a pedestrian activated light. The City will have to pay 1/3 of the cost on whatever happens. Lorenz asked the City Council to support the idea. He has spoken with residents who have volunteered to raise money for this. Martin provided the cost to install the light will be approximately \$50,000 and approximately \$150,000 for the safety island.

An audience participant asked if Council has spoken with the Friends of the Clinton River Trail regarding this. Lorenz explained that this group would like the city to put the safety island in. Lorenz clarified they are just pursuing this idea; they are not funding it. If the Friends of the Trail can show that their way is safer and can come up with funding and can get it done quickly, he is in favor of this.

Moved by Lorenz, seconded Wiegand, to support the idea of a manually activated pedestrian light for the trail crossing.

Yes: All
No: None

MOTION CARRIED

Martin stated he will relay this discussion with the Friends of the Clinton River Trail.

L2-004-08

f. Approval to Adjourn to Executive Session to Discuss Pending Litigation

Moved by Lorenz, seconded Shepp, to adjourn to executive session after item 13 on the agenda, to discuss pending litigation.

Yes: All

No: None

MOTION CARRIED

NON-ACTION ITEMS

- a. Boat Docks and Marina License
- b. Amendment to the Zoning Ordinance Defining Maximum Lot Coverage of Structures

Martin reported Planning Commission will be discussing this again next month and it may be coming before City Council soon.

- c. Amendment to the Zoning Ordinance Defining Total Lot Coverage
- d. Amendment to the Zoning Ordinance Defining Residential Parking
- e. Amendment to the Zoning Ordinance defining attached garage location and dimensions
- f. Security for Ferndale Park, Restroom and Boat Launch
- g. Street and Drainage Project
- h. City Entrance/Identification Signs

There was nothing new to report on these agenda items.

NEWSLETTER AND CABLE INPUT

Household Hazardous Waste Collection and help for seniors are provided, dock committee opening, beautification date, and historical pictures.

Lorenz thanked Martin for having the fore site to submit the quotes to the cable board for wiring the Community Center for potential broadcasting. The board is going to pay for this with whatever money that is sitting in Sylvan Lake's portion of the cable fund. Martin added he has a couple of calls into West Bloomfield Township regarding the balance in the cable fund.

Wiegand announced that Helen Jane Peters is working on the history of Sylvan Lake and she is asking residents for old pictures of Sylvan Lake. They are going to have a historical display for the Home and Garden Tour down at the lake.

At 8:49 City Council adjourned into Executive Session.

At 9:44 City Council reconvened the regular City Council meeting.

ADJOURNMENT

Moved by Lorenz seconded Shepp, to adjourn the regular City Council Meeting.

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 9:44 p.m.

Dennise Clippert, City Clerk