

CITY OF SYLVAN LAKE
REGULAR MEETING
AUGUST 8, 2007

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, August 8, 2007; opening at 7:30 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Shepp, Conkey, Lorenz, Maurina
Absent: Hungerman (excused)
Also Present: City Manager Martin and City Attorney Bibeau

APPROVAL OF AGENDA

Moved by Conkey, seconded Maurina, to approve the City Council Agenda for August 8, 2007, as presented.

Yes: All
No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Shepp, seconded Maurina, to approve the minutes of following meetings as presented:

July 11, 2007, Regular Meeting
July 24, 2007, Study Session

Yes: All
No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Maurina, seconded Shepp, to approve the voucher report for August totaling \$178,593.97.

July Payroll	\$ 50,728.53	Check #'s 10469-10491
Accts Pay-Apr-May	\$127,865.44	Check #'s 42133-42184
	\$ 178,593.97	

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Lorenz received the DPW's and City Attorney's report for the month of July 2007, and the Police Department report for June 2007, and asked that they be placed on file.

COMMITTEE REPORTS

M-008-07

Helen McAllister reported the Ice Cream Social will be put on by the Garden Club, August 16th, from 6-8 p.m. It may go beyond 8:00 p.m. The Historical Society is bringing some items people might want to buy. They have a picture of Lakeview and one of Orchard Lake and Apple Island. Orders for copies will be taken. They will have other displays also. There will be a cakewalk and musical chairs for kids. Also residents can sign up for next year's Home and Garden Tour.

Marlene Toby stated she has been working on a Proclamation thanking the Free Press for donating the property. They will be holding a farewell celebration. This will be the last official function at the Community Center. There will be a 20 minute presentation. Helen Jane has been collecting history to display and they will be honoring residents that have lived here for 60 years.

Judy Schwanitz reported Midge Davison and Eric Wiegand are going to co-chair the Home and Garden Tour for next year.

There were no other committee reports.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Carol Vanker addressed the dock ordinance and is concerned about the change in wording . She feels maintenance should be paid for by all residents not a minority. She is all for a millage.

Vanker feels the gates need to be consistently closed and opened, but maybe not closed as long. Lakeview needs to be closed if it considered a park.

Eric Wiegand supports the ordinance for improvements to non-conforming residential structures.

Marlene Toby supports the idea of a millage for the parks and Community Center. She asked how to get this going. Mayor Lorenz informed her discussion on this topic will be on the next study session agenda.

C4-005-07

Mike Zubrycki complained about DTE. He stated they are beyond a nuisance. There were trucks running two nights ago at 11:30 p.m. and 12:30 a.m. At 4:30 a.m. there was banging. At 6:00 a.m. trucks are operating.

Bibeau reported there has been correspondence with DTE's attorney. Bibeau informed the attorney problems continue to exist. Their attorney informed Bibeau, Edison is rethinking their plan for the use of that facility, as it is presently being used and they are looking for another location. Bibeau stated they still need to get the noise abated.

Zubrycki informed there is personnel yelling at each other. He called Bloomfield Township Police, by the time they respond the noise is done. Bloomfield does respond timely. It's just not when the noise is happening.

Mayor Lorenz stated it is being worked on. They are trying to motivate them to move. The City is doing what we can without starting a fire. Bibeau added it may be a management problem. Lorenz asked if Sylvan Lake Police could issue them a ticket. Bibeau responded, if the noise is heard in Sylvan Lake, he thought they could.

Marlene Toby asked if the trucks could be moved to the front, by Orchard Lake Road. Lorenz stated they have tried this. The problem is then the Bloomfield residents call complaining of the noise.

Karen Burnette suggested getting Bloomfield Twp. involved to put pressure on DTE. Lorenz assured everyone there have been many meetings with Bloomfield Twp and DTE. Lorenz suggested residents watch for the Zoning Boarding meetings which Bloomfield and Sylvan Lake will be holding. This would be the best time to express their comments.

Conkey suggested having Sylvan Lake police hanging out in the area around 11:30-12:30 and again around 4:30 a.m. Then if they witness it they can issue the ticket.

There were no other comments.

Mayor Lorenz closed this portion opened to the public.

CITY MANAGER COMMENTS

Council Meeting

Martin stated it was brought to his attention that the next council meeting is on a Jewish holiday. He was requested to ask if they could change this meeting date. Conkey and Shepp feel the date should not be changed unless something critical is on the agenda. Maurina and Lorenz were in favor of changing the date. Mayor Lorenz stated since it is a two to two vote, the meeting date will remain at the set date.

DPW

P2-001-07

He reported Bryan is at his six month mark for recuperating. The doctor estimated 6-9 months. He still doesn't have enough movement in his ankle to come back to work. Kevin, the other full time employee is having back problems, not work related. The doctor has told him he will need physical therapy and no work until September 10th. Martin stated that leaves only the part-time worker. He will have to get another one to help. Lorenz suggested getting a temporary contract with the private company that they looked at last year. They have trained workers and could get the job done.

Trees

Martin reported Lamphere Tree Service is going to put together a tree replacement program for the city.

Mailbox Racks

The extra large mailbox racks they are going to try and shorten them up and the ones with two or three box, they will add to them. This will make them more manageable so they won't tip so far into the ditch.

Ferndale Restroom

PR-016-07

Martin did meet with Phil Sakalain regarding the concrete at the Ferndale restroom. He is going to grout it to see how that works and if that doesn't work they will cut out a section and replace it. Martin talked with Jim Cassar regarding the doors and he is going to take care them. He said the doors don't need to be replaced. Council would like a benchmark as to when this will be completed.

Window/Paint at City Hall

B2-003-07

Martin got more prices. Martin provided proposal results. City Hall sent out RFP's to five companies. Four responded. They range from a low of \$4877 to a high of \$9715. The type of work and windows is all the same. Council agreed to go with the low bid from the G-H Group.

CITY COUNCIL COMMENTS

Shepp and Maurina had no comments.

Conkey agreed there are a lot of trees out there that need to be replaced. He asked Patty Harrop if she would want to hold the Beach Ball to raise funds for this.

B2-004-07

Conkey asked what is happening with the sale of the Police vehicles. Lorenz stated the three are now on e-bay per council's request. The minimum price is set at what the highest bid was that the city received earlier. Conkey stated he looked at Auto Trader and talked with them. He stated that car that is in high demand and going for \$6000-\$7500. Lorenz stated these cars are from people running a business. They put on new tires and detail them so they can get more money. He feels the city has done what council asked them to do.

BD-011-07

Conkey discussed the docks which have nothing in the space. He has counted 14 that have just a pole or nothing in them. He would like the ordinance reviewed this winter and look at making a fine for people that are late getting their boat in. Also people with canoes, paddle boats or row boats should not have a space. They can use the storage rack which City Hall built. Martin agreed with him. He stated residents are not giving up their space in a timely fashion. He also suggested contacting only the first ten people on the waiting list to inform them there are a number of one-year spaces open and if they don't want it then put it in the newsletter

and it would be a first come, first serve basis then. Maurina added the another issue that needs to be fixed is having only a pole.

Conkey lastly asked about the five year plan. Martin stated they will be discussing this at the study session.

Lorenz agreed with Conkey with the trees. A proactive program needs to be put in place. He addressed the boat dock ordinance. Stating there is a boat dock committee and they need to look at how they appoint these committees. Martin clarified there was a dock committee that reviewed the policy. The group now is not really a committee. They are volunteers who check the dock spaces for the city.

C4-006-07

Lorenz would like to see some reinvestment in the Orchard Lake Corridor. He would like to find out if there are some tax incentives out there that might give these properties some incentive to redevelop them.

He thanked the volunteers working on the ice cream social. They have gone to great lengths to recognize the importance of these buildings.

ACTION ITEMS

- a. Approval of Traffic Control Order for Park Gates **P1-003-07**

Martin explained this order sets the park gates on Lakeview and Ferndale as traffic control devices. Tickets can get written now if someone opens the gates when they are not authorized. This also applies to closing them when they are not suppose to. Lorenz clarified this will help since council is looking at not locking the gates anymore, to assure emergency vehicles would have access to these areas.

Martin stated signs will have to be posted at each set of gates.

Pete Peters informed council that he currently has a key which he used to get to his driveway. He questioned if he would still be allowed to do this. Martin stated that they could name him as an authorized person.

Maurina asked if they could look at a possible self closing, spring activated gate. Martin will look into it.

Moved by Conkey, seconded Shepp, to approve the Traffic Control Order establishing regulations and penalties for the operation of the gates on Ferndale and Lakeview streets from Memorial Day to Labor Day.

Yes: All
No: None

MOTION CARRIED

Moved by Maurina, seconded Conkey, to remove the locks from the park gates. The gates are to remain closed as set in the policy and to watch them for violators.

Yes: All
No: None

MOTION CARRIED

b. Discussion of ROW Policy **S-004-07**

Martin reviewed the current policy states grass only to the edge of the street. What was there was grandfathered in. Previous discussion with City Council last month was to have grass from the edge of the pavement, back to eight feet. He added that maybe there should be some exceptions. Some of those exceptions are a sidewalk that is at grade or below the street and not causing a drainage problem. There are about three homes which do not have grass at all in their front yard, so they might want to allow other vegetation. The big discussion was rocks and reflectors.

Shepp asked what the definition for a grandfathered parking space is. Martin stated he took it as what is currently there whether it be a single parking space or the whole length of the property, it would be grandfathered in.

Council discussed height of bushes and rocks, corner lots, how far back should be allowed, what is allowed to encroach and public safety.

Maurina asked that whatever is decided it clearly be put in the newsletter.

Moved by Conkey, seconded Maurina, to support the verbage for the road right-of-way policy to show all items should be removed from the road right-of-way back to four feet of the pavement with exception of items at grade such as a sidewalk going to the street.

Yes: All
No: None

MOTION CARRIED

c. Approval of Ordinance 285 - Dock Ordinance **BD-012-07 O-007-07**

Martin explained the changes, which better explains the intent of the ordinance and the authority to enact the ordinance. The penalty section was changed also.

Moved by Conkey, seconded Shepp, to approve Ordinance 285, Dock Ordinance, as presented.

Yes: Conkey, Lorenz, Maurina, Shepp
No: None

ORDINANCE ADOPTED

O-008-07

d. Approval of Ordinance 286-Improvements to Non-Conforming Residential Structures

Martin reviewed this ordinance has been discussed for the past several months at the Planning Commission level. A public hearing was held August 7th and Planning Commission did recommend that City Council approve the amendment. This amendment would allow non-conforming houses to make improvements in this portion, as long as they don't expand it width wise, further than the edge of the house. They can't extend into the side yard and they can't extend it any closer to the front of the property than it currently is.

Lorenz is in favor of this and feels it is greatly need. He feels it doesn't go far enough. Maurina agreed with Lorenz.

Moved by Shepp, seconded Maurina, to approve Ordinance 286 regarding improvements to specific non-conforming residential structures as presented and recommended by Planning Commission.

Yes: Lorenz, Maurina, Shepp, Conkey
No: None

ORDINANCE ADOPTED

e. Approval of Ordinance 287 - Placement of Air Conditioners and Generators

Martin reported Planning Commission is still reviewing this and tabled it and asked council to do the same thing.

Moved by Conkey, seconded Maurina, to table Ordinance 287-Placement of Air Conditioners and Generators.

Yes: All
No: None

MOTION CARRIED

R-015-07 BD-013-07 PR-017-07

f. Approval of Resolution-Chapter 42, Parks and Recreation Policies, Rules, Regulations and Fees

Martin explained this resolution re-approves, re-adopts and ratifies the policies, rules and regulations and fees and makes them one. This is for parks and docks spaces. He addressed the changes which adds the space on Lakeview #10 to the consent agreement and also this adds the ability to strictly enforce the 10hp rule for dock space holders in the Lakeview consent judgement area.

Moved by Shepp, seconded Conkey, to approve the Resolution regarding Chapter 42, Parks and Recreation policies, rules and regulations as presented.

Yes: Maurina, Shepp, Conkey, Lorenz
No: None

RESOLUTION ADOPTED

A2-007-07 CC-014-07

g. Appointment of Residents to the Community Center Rental Advisory Committee

Martin explained this was put in the newsletter to form a committee to establish rules/regulations and promotions for the Community Center once it is in place. Five letters of interests were received.

Maurina stated she knows of one other individual who is interested in this. She asked if it is too late for them. Lorenz feels it was well publicized for months and this should be sufficient. Shepp agreed and stated five is a good number for voting on an issue.

Maurina feels there should be a written letter as to what is expected from the committee. Martin read his list that he thought they should address: Establishment of rules, regulations, fees, scheduling of events, rental to residents only, resident sponsored rental, use of equipment, alcohol policy, smoking policy, citizen group use, security, use by minors - supervision, the use of the pavilion, kitchen, different fees for different uses - pavilion only, with kitchen, small room only, etc. Garbage removal, cleaning policy, Security - key cards, storage of items by different groups, etc.

Moved by Maurina, seconded Shepp, to approve the creation of a five member Community Center Rental committee to make recommendations to the City Council pertaining to the guidelines, rules/regulations and promotions. The committee will commence now and end March 31, 2008. The five members will be Mary Johnston, Russell Meskin, Marlene Toby, Nicole Menuck and Patty Harrop.

Yes: All
No: None

MOTION CARRIED

h. Consideration to Adjourn to Executive Session to Discuss Lakeview Litigation

Moved by Conkey, seconded Maurina, to approve adjourning to Executive Session to discuss pending litigation immediately following item 13 on the agenda.

Yes: All
No: None

MOTION CARRIED

NON-ACTION ITEMS

- a. Right-of-Way Policy
- b. Boat Docks and Marina License
- c. Amendment to the Zoning Ordinance Defining Maximum Lot Coverage of Structures
- d. Amendment to the Zoning Ordinance Defining Total Lot Coverage
- e. Amendment to the Zoning Ordinance Defining Residential Parking
- f. Amendment to the Zoning Ordinance defining attached garage location and dimensions
- g. Security for Ferndale Park, Restroom and Boat Launch
- h. Street and Drainage Project
- I. City Entrance/Identification Signs

There was nothing new to report on these agenda items.

NEWSLETTER AND CABLE INPUT

Road right-of-way policy and park gates.

At 9:32 City Council adjourned into Executive Session.

At 9:58 City Council reconvened the regular City Council meeting.

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting was adjourned at 9:59 p.m.

Dennise Clippert, City Clerk