

CITY OF SYLVAN LAKE  
REGULAR MEETING  
AUGUST 2, 2006

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, August 2, 2006; opening at 7:30 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Eriksen, Hunger, Hungerman, Lorenz, Conkey

Absent: None

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

APPROVAL OF AGENDA

Moved by Conkey, seconded Hunger, to approve the City Council Agenda for August 2, 2006, as amended.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Hungerman, seconded Conkey, to approve the following minutes as submitted:

July 12, 2006, ZBA, 2645 Orchard Lake Road, Cadillac Brick

July 12, 2006, Public Hearing - Capital Needs/Projects Presentation

July 12, 2006, Regular Meeting

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Conkey, seconded Hungerman, to approve the voucher report for August totaling \$229,928.32.

June Payroll	\$ 59,011.02	Check #'s 10028-10077
Accts Pay-July	168,324.59	Check # s 41217-41283
Auto Debits	<u>2,592.71</u>	
	\$229,928.32	

Yes: All

No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Lorenz received the City Attorney's reports for the month of July 2006 and the Police Department report for June 2006 and asked that they be placed on file.

COMMITTEE REPORTS

There were no committee reports.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Mayor Lorenz opened the meeting to the public.

Marlene Toby, 2412 Renfrew, complimented the rangers at the beach. She is concerned with the road project coming to a close because all the streets are cracking.

Bob Monement, 1529 Lakeview, stated the DEQ meeting wasn't publicly announced. He feels 90% are against this proposal and wondered why council is still waiting for DEQ approval if the citizen don't want it.

Pete Peters, 2242 Garland, asked if there is an ordinance prohibiting literature on or above mailboxes. Also these cars are driving down the wrong side of Garland to insert these flyers on the mailboxes. Martin informed him it is a Federal law. The police did patrol the area and couldn't find anyone. They did take the political flyer and called them to inform them they couldn't do this.

Dave MacGillis disagrees with the comment that the majority don't want the additional docks. He would like to see it voted on by the residents so everyone has a fair say.

Nicole Menuck explained her recycling wasn't picked up. Richfield was patrolling the area and took it when she spoke with them.

Luke Cassar, 2610 Garland, agrees the people need to be well informed and the dock issue should go on the ballot.

Patty Harrop questioned the status of the proposed rental ordinance. She complained of a house which had their garbage out for five days. Martin stated the house is not a rental house, the homeowner cleaned out their basement. The ordinance enforcement officer did inform the household they were in violation. He should have made them take it in right then, but he didn't. Martin has spoken with the code officer about the error.

Bob Duschinske didn't like that the garbage was out five days before the code officer talked with them.

There were no other comments

Mayor Lorenz closed this portion opened to the public.

CITY MANAGER COMMENTS

Martin had no comments.

CITY COUNCIL COMMENTS

Eriksen announced he won't be running for Council in November. He stated there are two openings on council and only two have qualified to run. He feels it is a shame they should run unopposed.

Hunger asked everyone to remember to hydrate in this hot weather. He announced he is unable to run for Council again. He thanked those who have asked him to run again.

Conkey had no comments.

Hungerman stated he has no objection to putting the dock issue on the ballot.

Lorenz thanked Eriksen and Hunger for their service to the city and their volunteer efforts.

**PR-010-06**

He announced the United State Bocce ball Federation had the State championship at our courts this past weekend and the State of Michigan is the only State sanctioned bocce ball tournament in the United State. He stated, Mike Grasser should be congratulated for all the hard works he does with this event and for maintaining the bocce ball courts. He thanked the police for doing their job. He received a ticket for parking on the street overnight, which he paid.

OLD BUSINESS

A. Proposed Dock Installation Near the Community Center **BD-009-06 E-001-06**

Martin announced the DEQ will be holding their public hearing tomorrow at 7:00 pm at the Church next to City Hall. It was suppose to be at the Sylvan Lutheran Church, but they forgot they had a big event and wouldn't be able to rent out the church. He stated signs will be posted in the parking lot regarding the change in location. Eriksen clarified there are 44 new proposed docks for a total of 64 docks on the parking lot side of the Community Center.

Moved by Eriksen, seconded Hungerman, to put the proposed dock issue, on the north east side of the Community Center, on the ballot in November as an advisory question.

Yes: Hunger, Hungerman, Lorenz, Conkey, Eriksen

No: None

MOTION CARRIED

b. Consideration to Approve Ordinance 277, Text Amendment for Zoning Enabling Act, PA 110

**A-014-06**

Bibeau explained this ordinance has the required changes for definitions and notice requirements. Planning Commission held a public hearing and unanimously recommended approval.

Moved by Hunger, seconded Conkey, to approve Ordinance 277, text amendment to bring the Zoning Chapter of the Code of Ordinances into compliance with the Michigan Zoning Enabling Act, PA 110 or 2006 as presented.

Yes: Hungerman, Lorenz, Conkey, Eriksen, Hunger

No: None

**ORDINANCE ADOPTED**

c. Special Land Use Request for 2451 Orchard Lake Road - Citgo Gas

Martin provided no action is needed. Planning Commission didn't meet with Citgo because Citgo was not ready. A public hearing with Planning Commission is needed first, along with their recommendation.

d. Community Center Discussion

**CC-010-06**

Eriksen noted the difference in price in the bids for demolishing the Community Center.

Hunger is concerned with the one lower price. Eriksen stated Charles Johnson has been around for a long time. He knows he is consistently the lower bid for demolitions. Martin will check references.

Eriksen stated they need to decide if sand backfill is needed. He feels they should be able to use the dirt that is already there.

Lorenz asked if there is anything the city can do to lock in the price until after the election. Martin will ask.

e. Security for Ferndale Park, Restroom and Boat Launch

**PR-011-06**

Eriksen suggested waiting on the system until prices come down. It may be more practical in a couple of years. Martin asked to have this item removed from the agenda. Eriksen would like to keep it on the agenda so they don't give up on looking for a better price. Hunger agreed in keeping it on the agenda until they can find something more favorable.

f. Master Plan Update

**ZP-011-06**

Martin stated a draft plan will be presented at the next Planning Commission meeting. Then it will be given to the surrounding communities and then City Council. An estimated time schedule was provided.

g. Right-of-Way Policy

**S-012-06**

Eriksen's understanding and experience is right-of-ways are for a purpose, roads, utilities and drainage. In the past they have discussed grass to the road. Since that has been passed this has had constant attention by the council. He would rather take a position on what they want from here forward. He doesn't want to control aesthetics.

Bibeau stated it is up to City Council how they want to see their right-of-ways maintained. Prior approval to do anything has always been needed in the past. At times it got relaxed during the moratorium. They were told they shouldn't do it, yet they went ahead anyway and did things. Now it is up to the council to set what kind of improvements or structures that should go in the right-of-way, if any.

Eriksen understands when things are blocking vision. Historically he thought the policy was they could do what they wanted in the right-of-way knowing it belongs to the city and you had to fix it yourself if the city needed to get in there. Bibeau didn't recall this policy. Martin clarified, the problem was there was never a policy that said what they could or couldn't do.

Eriksen warned them because they are saying this is what residents can't do in the right-of-way, but what they are not doing, is saying this is what we are going to do to make it stable and look decent. He feels council has an obligation to the city to do the rightful thing and that may mean getting six inches of gravel and three inches of topsoil.

Conkey spoke on an area on Hickory Road where residents had landscaped all along the right-of-way and now it has been torn out because the Township decided to put sidewalks in. He feels this illustrates why they need these kinds of things out of the right-of-way.

Lorenz feels they need to formulate a policy which is reasonable.

- h. Amendment to the Zoning Ordinance Defining Maximum Lot Coverage of Structures
- i. Amendment to the Zoning Ordinance Defining Total Lot Coverage
- j. Amendment to the Zoning Ordinance Defining Residential Parking
- k. Amendment to the Zoning Ordinance defining attached garage location and dimensions

Nothing new to report on this items.

1. Street and Drainage Project

Martin is still discussing with the Contractors and Engineers on what is appropriate

- m. New Ordinance Regulating Rental Property
- n. City Entrance/Identification Signs
- o. City Managers Review

Nothing new to report on these items.

NEW BUSINESS

**O-015-06**

A. Consideration to Approve Ordinance 278, Zoning Board of Appeals

Martin stated this new ordinance is different from the one approved prior. This ordinance takes into account the new requirements of PA 110. It states there will be five members with up to two alternate members. One member must be from the Planning Commission and one may be from the City Council.

Eriksen questioned if this has gone before Planning Commission. Bibeau stated it doesn't have to. They already recommended a five member board. They have seen the language. Eriksen asked if they have seen it in this form. Bibeau stated they have not. Eriksen would like Planning Commission to look at the new ordinance first.

Bibeau noted this ordinance states the ordinance will be effective October 1, 2006. The new board will appoint their own chairman, per the new law.

Eriksen would like to see seven board members appointed, consistent with what they approved prior.

Conkey felt this was a good idea prior, but now they barely got seven applications in time. He believes five would be better and cheaper to train. Eriksen questioned the cost saving with five members and two alternates.

Hunger noted with members not showing up, it is less effective with seven than five. It also dilutes the personality factor.

Bibeau highly recommends appointing alternates. This way you always have a full board.

Lorenz stated the board has always operated fine with five in the past. State Statute says you can have as few as three persons with less than 3,000 population. He noted they only have six

applications now. He doesn't believe a city this size benefits from having seven.

Hunger doesn't feel having seven is a real issue, just a smarter way to go.

Moved by Eriksen, seconded Hunger, to have a seven member board instead of five, which is consistent with what they approved prior.

Yes: Eriksen, Hunger

No: Hungerman, Lorenz, Conkey

MOTION FAILS

Moved by Conkey, seconded Hungerman, to approve Ordinance 278, Zoning Board of Appeals, zoning text amendments, as submitted with five members, effective October 1, 2006.

Yes: Lorenz, Conkey, Hunger, Hungerman

No: Eriksen

ORDINANCE ADOPTED

Eriksen feels when you have five members who are not elected, you are putting a lot of responsibility on who is going to make them accountable. He feels those who are elected feel they have a bigger obligation to be prepared because they have made that commitment, than those who have volunteered. He asked council to appoint one member from council.

b. Appointment of Members to the Zoning Board of Appeals

Moved by Eriksen, seconded Hunger, to appoint Paul Hungerman for a one year term to the Zoning Board Appeals.

Hungerman explained he is on the Planning Commission now and his plate is full. He would like to pass on this term and withdraw his name for consideration.

Eriksen withdrew the motion.

**A2-007-06**

Moved by Eriksen, seconded Hunger, to appoint Dave MacGillis as the Planning Commission representative, to the Zoning Board of Appeals, with the term being while he is on Planning Commission.

Yes: All

No: None

MOTION CARRIED

Moved by Conkey, seconded Hunger, to appoint Nicole Menuck as a member to the Zoning Board of Appeals, with a term to expire in three years, September 30, 2009.

Yes: All  
No: None

MOTION CARRIED

Moved by Conkey, seconded Eriksen, to appoint Jerry Nechal as a member to the Zoning Board of Appeals, with a term to expire in one year, September 30, 2007.

Yes: All  
No: None

MOTION CARRIED

Moved by Hunger, seconded Conkey, to appoint Rob Galacz as a member to the Zoning Board of Appeals, with a term to expire in two years, September 30, 2008.

Yes: All  
No: None

MOTION CARRIED

Moved by Conkey, seconded Eriksen, to appoint Scot Storrie as a member to the Zoning Board of Appeals, with a term to expire in one year, September 30, 2007.

Yes: All  
No: None

MOTION CARRIED

Moved by Eriksen, seconded Conkey, to appoint Hazel Holly as an alternate to the Zoning Board of Appeals, with a term to expire in one year, September 30, 2007.

Yes: All  
No: None

MOTION CARRIED

Moved by Eriksen, seconded Conkey, to appoint Marguerite Davidson as an alternate to the Zoning Board of Appeals, with a term to expire in two years, September 30, 2008.

Yes: All  
No: None

MOTION CARRIED

g. Consideration to Approve the Resolution to Submit Ballot Proposals

Lorenz announced there are three separate proposals council is looking to put on the ballot in November, one is a bond proposal for a new Community Center, the seconded is a bond proposal to improve City Hall and the third is a millage increase proposal for maintenance of parks, which would eliminate the park and sports tags and registration fee. It would be a \$60 savings.

Martin clarified they need to approve the resolution to place the questions on the ballot.

Eriksen asked if they knew what they are getting for \$500,000. Lorenz replied, when asking guidance from the construction people, they have estimated \$180 per square foot for a building approximately 2400 square feet. This will give them the ability to go out and talk with an architect. It will provide leverage with architects and contractors.

Eriksen feels they are rushing this. Hunger agreed there are issues that need to be discussed. Residents need to see, touch and feel this before supporting a millage. He explained he is not abandoning the team, just being cautious.

Conkey recalled them all agreeing on the size and doing this project even if it was \$200 a square foot. He expressed the November ballot is a big race where everyone gets a fair voice. He stated if it fails they can put it back on the ballot in February.

Eriksen feels it is careless to do it now and doesn't want to rush it. He would rather take their time over the next 2-3 months and get what they need and present it in February.

Lorenz acknowledged he appreciates their comments. He feels this project has been mixed around and talked about continuously. He feels comfortable with the numbers. He agrees with Conkey the November ballot gets more people out and residents may feel they are trying to slip something in, if voted in February.

Patty Harrop asked who is going to run the project. Lorenz stated a construction manager will. Eriksen stated he never heard this before. He feels they are not doing their homework and these kinds of questions are going to be asked.

Marlene Toby's understanding is they are only asking for an amount of money to be approved. They had come to a compromise and this is more agreeable. Lorenz added they will create a building within the budget.

Bob Duschinske asked if this is just a bond proposal or a millage increase. Lorenz clarified it is three separate issues.

JoAnn Eberhardt questioned who would be making the decision for the design. Will the residents get to approve them. She feels they need design and cost or it will get voted down.

Lorenz stated they will have elevation drawings before the November Election.

**R2-006-06**

Moved by Conkey, seconded Hungerman, to approve the resolution submitting ballot proposals.

Yes: Conkey, Hungerman, Lorenz

No: Eriksen, Hunger

RESOLUTION ADOPTED

- c. Discussion of Ballot Language for Community Center Bond Proposal
- d. Discussion of Ballot Language for City Hall Improvement Bond Proposal
- e. Discussion of Ballot Language for Parks and Recreation Millage

Moved by Eriksen, seconded Hungerman, to hold a special meeting, in conjunction with the study session on August 22<sup>nd</sup> at 7:30 p.m., to discuss/approve ballot language.

Yes: All

No: No

MOTION CARRIED

**CA-009-06**

- f. Consideration to Approve 2006-07 Winter Maintenance Agreement with the RCOC

Moved by Eriksen, seconded Hunger, to approve the winter maintenance agreement with the Road Commission for Oakland County for 2006-07 as presented.

Yes: All

No: None

MOTION CARRIED

**CA-010-06**

- h. Consideration to Approve Election Law Consultation - Millage and Bond Proposal

Martin explained this is for legal counsel for the bond proposal using Miller, Canfield, Paddock and Stone, P.L.C. There is a limit to not exceed \$5,000.

Moved by Eriksen, seconded Conkey, to approve the agreement letter with Miller, Canfield, Paddock and Stone, P.L.C. for Election Law Consultation, for the Millage and Bond proposals.

Yes: All  
No: None

MOTION CARRIED

NEWSLETTER AND CABLE INPUT

Ice Cream Social

ADJOURNMENT

Moved by Eriksen, seconded Hunger, to adjourn the regular City Council Meeting.

Yes: All  
No: None

MOTION CARRIED

The meeting was adjourned at 9:14 p.m.

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Dennise Clippert, City Clerk