

CITY OF SYLVAN LAKE
REGULAR MEETING
DECEMBER 10, 2008

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, December 10, 2008; opening at 7:40 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Lorenz, Maurina, Shepp, Wiegand, Zubrzycki

Absent: None

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

Yes: All

No: None

MOTION CARRIED

APPROVAL OF AGENDA

Martin requested item 11M be added to the agenda, Discussion of Sylvan-Otter Group Weed Control.

Moved by Wiegand, seconded Maurina, to approve the City Council Agenda for December 10, 2008, as amended.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

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

November 12, 2008, Public Hearing & Regular Meeting

November 21, 2008, Special Meeting

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Wiegand, seconded Maurina, to approve the voucher report for December totaling \$228,731.27

Nov Payroll \$ 44,379.39 Check #'s 10782-EFT174
Accts Pay-Nov-Dec \$184,351.88 Check #'s 43468-E0000000038

Totaling \$228,731.27

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Bibeau reported Michigan Tax Tribunal Case Wildwood Beverage, Inc. Personal Property Tax Appeal was dismissed on December 4, 2008, at their request. Their Real Property Tax Appeal is pending dismal.

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

COMMITTEE REPORTS

There were no reports.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Pete Peters stated the best people live in Sylvan Lake. Everyone has come together to help them out after the fire. Even people who have moved from Sylvan Lake have come back to help out.

FD-001-08

Helen Jane Peters thanked their neighbors and friends for the food, care and help they are receiving. She commended and thanked the West Bloomfield Fire Department took care of everything and were careful with their stuff. She thanked the city inspectors who came out after hours. She asked everyone to pray for their neighbors Gerry & Christine Arrowood who lost their entire house.

Brad Conkey congratulated Lorenz and Maurina on being Mayor and Mayor Pro Tem. He stated Lorenz is hard working and did a good job in the past as Mayor. Conkey also congratulated City Manager Martin on getting his contract renewed with the City.

Conkey offered his services to everyone for appraisals of their property.

Conkey feels the city needs to push to get the millage passed. He shared Sylvan Lake's millage is one of the lowest in Oakland County. He feels residents need to step up and pass the millage so the city can be maintained. He will help out in any way he can.

There were no other comments.

Mayor Lorenz closed this portion opened to the public.

CITY MANAGER COMMENTS

Martin congratulated Lorenz, Maurina and Zubrzycki.

Planning Commission

Martin announced last night Planning Commission will be working on the site plans for Tim Horton's and Vision's Optical. This past Monday, Martin met with both parties, the City Planner, Engineer, Road Commission and Aqua Fina regarding these two sites.

Fire

He stated the fire was a tragedy and he is thankful no one got hurt. Once the call came into the Fire Department it took them seven minutes to respond, which is a great time. The house was vacant and burned for some time before it was called in.

DTE

C4-012-08

Martin will be meeting with DTE next week regarding lighting for the Community Center parking lot. He will also be meeting with representatives from the service center regarding the noise issues. They will be discussing their plan to alleviate the noise problem, the cameras which they were to install and their plans to move.

CITY COUNCIL COMMENTS

Wiegand commented on the lighting for the parking lot at the Community Center. He would like to follow with the old fashion lights like the ones on Pontiac Drive.

Wiegand announced the holiday light judging is this Saturday.

Next month he would like to discuss the storage of cars.

Wiegand stated the Fire Department is meeting at the Community Center next month and he would like to see this in the newsletter. He is sure they will be reviewing the fire on Garland.

Wiegand also congratulated Lorenz, Maurina and Zubrzycki.

Maurina is glad to have Zubrzycki on council with them. She backed up Conkey's comments regarding Lorenz being a great Mayor. She wished everyone a happy holiday.

Shepp congratulated Zubrzycki, Lorenz and Maurina. He echoed Maurina with holiday wishes and to be safe. He is also thankful that no one was hurt in the fire.

Zubrzycki thanked everyone for their support in the election. He stated he is deeply honored and humbled and will do everything he can to serve the residents well. He also thanked his wife, Paul Hungerman for the great job he did and Justin Hatch for his efforts in running for council.

Zubrzycki stated the fire brought an overwhelming response from everyone.

He shared he has spent time with Martin and Martin has been very forthcoming with a lot of information. He welcomes everyones comments and stated he is here to represent the residents.

Lorenz congratulated Maurina and Zubrzycki. He thanked all of council for honoring him with the Mayor's position.

Lorenz commented on the millage not passing.

He is also thankful no one got hurt in the fire. He feels the response time from the fire department was excellent. It is a service the city would never have had if council hadn't changed from the volunteer Tri-City Department to West Bloomfield Fire Department. It was an increase to the budget of \$40,000 when the change took place, but no millage was asked at that time. That is where a large portion of the City's budget went.

He is glad Zubrzycki is on board with the millage and will help in getting it passed. Lorenz thanked Martin, Clippert and all the City Hall employees for their time put in on the millage. He commended Hungerman for running for council while proposing a millage increase. He stated it was a brave thing to do.

ACTION ITEMS

BD-012-08

- a. Consideration to Approve Current Boat Dock Fees for Lakeview Residents

Martin stated the fees were set by the judge last year at \$200. He requested to approve the same for the 2009 boating season. This fee is for the dock license only. They must pay the additional appropriate fee if they want a ramp key, park tag and so forth.

Maurina questioned if the city has completely recouped what was owed from prior years. Martin stated all has been collected.

Moved by Wiegand, seconded Maurina, to approve the \$200 dock fee for Lakeview Residents under the consent judgement for the 2009 boating season.

Yes: All
No: None

MOTION CARRIED

A2-005-08

b. Approval of Appointment of 7 Members to the Boat Dock Committee

Lorenz questioned if Dick Pfeffer still interested and going to participate. Brad Conkey stated he spoke with Pfeffer and he is available this year. Last year he wasn't available for all the meetings they were having. Conkey reviewed what they will try to accomplish this year.

Zubrzycki stated Randy Ykema is interested on being on the committee. Mitch Black suggested making him an alternate. Lorenz questioned if non-dock holders were on the committee. Conkey stated Rob Galacz is on the waiting list and Jim Bull has no city dock space and is not on the wait list.

Moved by Wiegand, seconded Zubrzycki, to appoint Mitch Black, Brad Conkey, Rob Conkey, Patty Harrop, Rob Galacz, Jim Bull and Dick Pfeffer to the Boat Dock Committee for a one-year term to expire December 31, 2009.

Yes: All
No: None

MOTION CARRIED

A2-006-08

c. Approval of Appointment of Council Member to the Planning Commission

Mayor Lorenz appointed Sharon Maurina as Council Representative to the Planning Commission.

Moved by Wiegand, seconded Shepp to approve the Mayor appointment of Sharon Maurina as Council Representative to the Planning Commission.

Yes: All
No: None

MOTION CARRIED

d. Discussion of Millage Question

Shepp would like council to start working on getting this on the next ballot.

Lorenz asked Martin to break it down and look at the budget more, so they could get a greater understanding.

Maurina feels they need to communicate better, understand and provide specifics for the residents.

Lorenz asked Martin what the shortfall would be this year. Martin stated it depends on what happens in the next couple of months. He shared the State is not decreasing funding, but taxable values will be down two percent next year.

e. Set Study Session Date to Discuss Budget Options

Monday, December 15th at 5:00 p.m. at the Community Center was set.

f. Deficit Elimination Plan for Community Center Bond

F-006-08 R2-013-08

Martin explained this is a formality. Interest came in short last year. The fund was short by \$1,111. Funds were loaned from the General Fund. This shortfall was taken care of when City Council set the millage rates for FY 2008/09. By law the city must submit a deficit elimination plan to the State, stating the deficit will be eliminated.

Moved by Shepp, seconded Wiegand, to approve the deficit elimination plan resolution for the Community Center Bond Fund as presented.

Yes: Maurina, Shepp, Wiegand, Zubrzycki, Lorenz

No: None

RESOLUTION ADOPTED

R2-014-08

g. Consideration to Approve Resolution Regarding Contested Case with the MDEQ - Stormwater

Martin reviewed a few months ago, several municipalities adopted a resolution disputing many of the specifications outlined in the MDEQ Permit. Because there are so many municipalities involved, the Administrative Law Judge has requested to limit the number of petitioners to represent the group.

Maurina inquired as to how much money has gone towards this. Martin estimated around \$600 so far.

Moved by Wiegand, seconded Maurina, to approve the Resolution regarding Petitioners for the contested Case Hearing with the MDEQ for the NPDES.

O-009-08

h. Consideration to Approve Ordinance 295 Regarding Accessory Structures/Play Structures

Martin explained this ordinance allows two accessory structures with a limit of the floor area to 45 percent of the required rear yard area. It also has other restrictions such as maximum floor area for the second accessory and its location. He state Planning Commission has worked on this for the past several months and recommended its approval.

Lorenz asked Martin if this ordinance solves anything for the city or creates more problems. Martin replied, it is good to have guidelines. He doesn't believe this will cause problems, but it will be interesting to enforce. It will be a zoning permit, similar to a fence or driveway. Lorenz stated this ordinance allows those who have a detached garage the opportunity to build a shed. Martin clarified, they have to be within lot coverage and provide a plot plan of the property with accessory buildings showing it and a sketch of the proposed.

Zubrzycki asked what the impact is to existing play structures. Martin replied, if somebody built a play structure prior to this they are a legal non-conforming structure because the city didn't have anything in place to address it.

Jim Schafer asked for clarification on non-conforming status; if not legal before this ordinance . Martin replied, if they installed prior to this they are ok. If something was illegal prior it, they still are illegal.

Moved by Wiegand, seconded Shepp, to approve Ordinance 295 amending the regulations for Accessory Structures, play structures, tree houses and maximum coverage of the required rear-yard setback as presented.

Yes: Lorenz, Maurina, Shepp
No: Wiegand, Zubrzycki

ORDINANCE ADOPTED

Martin asked the council members why they voted no.

Wiegand is worried there is enough structures already.

Zubrzycki questioned if we are understanding the problem and will the problem be solved by making the change, and can it be enforced. He was not sure he fully understood it.

Mayor Lorenz asked the other council members to comment on why they voted yes.

Shepp stated things change and the city has to adapt. The play structures of today are much different from 15 years ago.

Maurina stated she is sitting on the fence. She has some discomfort about it. She agreed with Shepp and feels proper restrictions need to be on it.

Lorenz thanked council for their comments and noted they were all good. He asked that they make these comments before the vote next time and maybe things can be cleared up better.

i. Consideration to Approve Ordinance 296 Regarding Wireless Communication Facilities

Martin explained Planning Commission did recommend City Council approve this. They did make some changes to it and Martin would like to table this to next month until he can make the changes for council.

Moved by Maurina, seconded Wiegand, to table the Wireless Communication Facilities Ordinance until January 14, 2009 City Council meeting.

Yes: All
No: None

MOTION CARRIED

O-010-08

j. Consideration to Approve Ordinance 296 Amendment to the Zoning Map

Martin explained this follows the Master Plan and Corridor Plan in rezoning Orchard Lake Road. It will allow Vision's Optical to move into their location. Planning Commission did recommend this.

Moved by Maurina, seconded Shepp, to adopt Ordinance 296 the zoning map amendment to rezone the property at 2615 Orchard Lake Road, Property I.D. number 18-01-330-020 from I-1 Limited Industrial, to C1 Neighborhood Commercial following the recommendation of Planning Commission.

Yes: Wiegand, Zubrzycki, Lorenz, Maurina, Shepp
No: None

ORDINANCE ADOPTED

C3-009-08

k. Consideration to Approve 2009 GWBCAB Capital Expenditure Request

Dave Albery, Administrator for the Cable Board, explained this expenditure is for \$29,535, Sylvan Lake's share being \$799 coming from the cable joint venture fund. It does not effect general fund money.

Lorenz asked Loren Maurina, cable representative, to comment on this. Maurina announced he voted in favor of this.

Moved by Wiegand, seconded Shepp, to approve the 2009 GWBCAB Capital Expenditure, of \$29,535. Sylvan Lake's share being \$799.

Yes: All
No: None

MOTION CARRIED

l. Consideration to Approve 2009 GWBCAB Budget

Dave Albery explained there are three components to this proposal: Administrative Services, Programming Services and Special Projects. The total budget is \$465,407, Sylvan Lake's share is \$13,026.

Lorenz asked Loren Maurina to comment on the budget. Maurina suggested voting it down or tabling it since the major increases are from Channel 15 programming and Chris Milia is not here to explain them. He stated Milia new well in advance of this meeting and didn't share he wouldn't be able to make it.

Albery clarified council has three options, vote it down, table it, or vote to extend the 2008 budget.

Council member Maurina asked when the audit would be done. Maurina stated Plante & Moran plans to complete it by the beginning of January.

Moved by Wiegand, seconded Shepp, to table the 2009 Cable Budget to the January 14, 2009 City Council meeting.

Yes: All

No: None

MOTION CARRIED

Albery suggested formulating questions they may have.

m. Discuss Sylvan Otter Group-Weed Control

Martin conveyed Phil Thomas' apology for not being able to attend this meeting. He explained Sylvan Otter increased their dues from \$45 to \$75. He is requested council to discuss increasing the weed control fee. Thomas is willing to attend the January meeting.

Lorenz asked if they are willing to share their books with the city. Martin stated they have in the past, but he hasn't seen anything in a long time. Lorenz suggested having Thomas come to the January meeting to discuss this.

Brad Conkey stated the city's fee should be commensurate with other boats around the lake; not supporting the whole weed control ourselves.

Martin will contact Thomas and relay Councils request for information and his attendance.

NON-ACTION ITEMS

- a. Boat Docks and Marina License
- b. Amendment to the Zoning Ordinance Defining Maximum Lot Coverage of Structures
- c. Security for Ferndale Park, Restroom and Boat Launch
- d. Street and Drainage Project
- e. City Entrance/Identification Signs

There was nothing new to report on these agenda items.

PR-007-08

Mitch Black commented on the parks. He asked city council to look to find a way to allow day passes. He would like to see the police or park ranger allowed to sell them along with the launch pass. He added he feels there is a lot of value in having the police patrol the parks. Control is very important and it deters violators. This past summer was one of the best he can remember for policing and few incidents.

Lorenz agreed this is a good thing. He would like to see camera surveillance for the restroom area and Community Center.

NEWSLETTER AND CABLE INPUT

Nothing was suggested.

ADJOURNMENT

Moved by Wiegand, seconded Maurina, to adjourn the regular City Council Meeting.

Yes: All
No: None

MOTION CARRIED

The meeting was adjourned at 9:09 p.m.

Dennise Clippert, City Clerk