

CITY OF SYLVAN LAKE  
REGULAR MEETING  
FEBRUARY 14, 2007

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, February 14, 2007; opening at 7:31 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Conkey, Hungerman, Lorenz, Maurina, Shepp

Absent: None

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

APPROVAL OF AGENDA

Moved by Hungerman, seconded Shepp, to approve the City Council Agenda for February 10, 2007, as presented.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Shepp, seconded Maurina, to approve the minutes for following meetings, as submitted.

January 10, 2007, Special Meeting

January 10, 2007, Public Hearing (CDBG)

January 10, 2007, Regular Meeting

January 23, 2007, Study Session

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Hungerman seconded Shepp, to approve the voucher report for February totaling \$193,527.31.

Jan Payroll	\$ 51,803.37	Check #'s 10270-10310
Accts Pay-Jan-Feb	\$140,399.45	Check # s 41704-41786
Auto Debits	<u>1,324.49</u>	
	\$ 193,527.31	

Yes: All  
No: None

**MOTION CARRIED**

ACCEPTANCE OF REPORTS

Maurina thanked the City Manager for saving the City money last year and hopes it will continue.

Mayor Lorenz received the City Attorney's and DPW s reports for the month of January 2007, the Police Department report for December 2006, and the Audit Report for the year ending June 30, 2006, and asked that they be placed on file.

COMMITTEE REPORTS

Helen McAllister reported the Home and Garden Committee has selected June 16<sup>th</sup> for the Tour. There will be three gardens and five homes to tour. The City-wide garage sale will be Memorial Weekend, Thursday-Saturday.

**CC-002-07**

Lorenz reported for the Community Center advisory committee. He stated they have met for a number of weeks now and are working through cost benefit analysis. They reviewed surveys that were taken prior, and they also reviewed the Master Plan survey. They worked on programming for the building which helps decide what different areas of the building will be used for. An RFP for a Construction Manager is going out soon. The number one goal with the group is to come up with a concept that will build a building within the budget and the second goal is to come up with a building that provides the most utility to the residents.

There were no other committee reports.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Mayor Lorenz opened the meeting to the public.

**CC-003-07**

Rick Eriksen shared a problem he is having with the Community Center Committee. On December 27<sup>th</sup> the committee precluded the basement. Eriksen is trying to persuade the members to go back to the design of a 2400 square foot building with a 2400 square foot basement. He believes there is value to it. He announced there this a concern citizens group who have hired an attorney. The attorney wrote a letter to the city asking to meet with them. They met and things did not get worked out. This group is requesting the Council to expand the Community Center Committee so they work some of these things out. He doesn t want to be cut off anymore. He doesn t believe this will good for the city or the project. He would like the committee to justify why they are not building a 2400 square foot building with a basement.

Charles Toby, 2412 Renfrew, questioned the size the committee is looking at. Lorenz replied, 3000 square feet building with a 850 square foot pavilion. They are still evaluating what the cost is to add a basement and the grade changes necessary to make the property truly user friendly for ADA compliance.

Toby stated he realizes the basement may not be feasible. He doesn't understand what this group is hiring an attorney for and he doesn't see a reason for it. He also doesn't feel the committee needs to explain anything yet, when they are looking at all this.

Helen McAllister stated neighbor's help her out and shovel her driveway. She asked if it is necessary to plow down to the blacktop and to continually cover their driveways so many times. Martin responded, she would be the minority on that request.

McAllister doesn't care how big the Community Center is or how many stories it is. She just wants it done so they can use it.

Dave MacGills, 1746 Woodland, appreciates the work done by the Community Center Committee. He doesn't believe they should settle for something small that won't accommodate people wanting to rent it. He feels they should work a little bit more to come up with an idea to make everyone happy with the size of the building.

Marlene Toby recalled a conversation with Eriksen where she shared her concerns about where there was a problem with water before. She would rather have more square footage on one level and stay within the budget approved by the residents. She stated Eriksen told her he had no problem with not having a basement if they added some square footage upstairs. She has a problem with him getting an attorney to file action. She expressed two of Eriksen's strongest supporters are on this Community Center Committee. She asked Eriksen to not go forward with a lawsuit, to give the Committee a chance to do their job.

Mayor Lorenz provided the member's names and why they were appointed to the Community Center Committee.

Jim Cowper, 2347 Avondale West, stated there are five people on the committee to represent 1400 residents. He stated they asked privately to expand the committee and they were turned down. He shared they obtained counsel so people would take them seriously. He requested City Council to address if they will or will not expand the committee. If the City Council does not expand the committee, they will file suit. They will file a temporary restraining order until the court decides what to do with this. This will cause delays and costs. He stated it is needless, silly and frivolous. He added the sub-committee is an advisory committee and it doesn't matter how many people are on it because all they can do is advise. They are asking for an expanded group with a little more rounded personalities. Also he asked the City Attorney to address risk management, on expanding this committee versus taking on a lawsuit.

**SC-001-07 WA-001-07**

Chuck Moss, State Representative, shared he has reintroduced three bills Shelley Taub was working on, the first for changing school districts and the second for an appeal to a Judge if the City is denied, rather than appealing to the School Board. The third one is to change the Detroit

Water and Sewer district to a more regional decision making basis, rather than the City of Detroit.

Lorenz asked what the possibility of having a one room school building for a small town such as Sylvan Lake. Moss stated he never thought about it. He thought it sounded like a good idea. Lorenz would like to see funding going to the city's kids. Moss asked Lorenz to call him so he can look into it.

Mike Menuck, 2475 Pontiac Drive, addressed the area for dogs in the parks. He is not for this. He feels there is a lot of liability in letting dogs run free. He would rather see a fenced in area.

Menuck commented on the basement versus no basement. To force a walkout basement is very expensive, but he feels having a normal basement is a viable option and would make sense to do. He stated there are soil boring to determine the water table, to see if a basement can be done.

Nicole Menuck asked for an update on the lawsuits. City Attorney Bibeau stated the Lakeview hearing is February 28<sup>th</sup> and on the Citgo suit they are working towards a consent judgement.

There were no other comments

Mayor Lorenz closed this portion opened to the public.

#### CITY MANAGER COMMENTS

Martin shared Wally Roesler passed away last Friday. He was a long time residents, sat on City Council for nine years and was Mayor for three of those years. He also was on the Cable Advisory Board and Planning Commission.

#### Master Plan

Planning Commission will be holding a public hearing to discuss zoning changes, zoning text amendments and zoning map amendments. This will bring inline some preliminary changes from the Master Plan. The hearing will be March 6<sup>th</sup>.

#### Pewabic Tile

Martin announced the tile is now safe at City Hall. JoAnn Eberhardt arranged for a mason to cut it out in one piece.

#### CITY COUNCIL COMMENTS

Maurina had no comment.

Shepp addressed the dogs in the parks. He recalled that the dogs had to be leashed and there was no mention of letting them run free. He would like the city to enforce and demand the residents to take care of their dogs and clean up after them. He feels there are a lot of residents who would like this change.

Hungerman agreed with Shepp that the intent was always to have the dogs leashed.

Hungerman commented on the Community Center issue. He stated the process started with the prior City Council. They discussed the Community Center, City Hall expansion and a Parks and Recreation millage. They started with a dollar amount they thought would pass. Then they unanimously voted on a five member advisory committee and who the members would be. He feels the committee is doing a good job and diligent work. He stated not all 1800 residents are going to be happy for one reason or another. Hungerman's primary concern is to build within the dollar amount and the dollar amount is going to determine the size.

Conkey shared he has spoken with about 30 residents and what they felt they were voting on and they all thought it was for a Community Center in the amount of \$500,000. There was no thought of a basement. He agreed that Eriksen did agree to the number on the committee and the members and Conkey doesn't believe expanding it would be beneficial or expedite the process. He feels if someone wants to file a frivolous lawsuit against an advisory committee, then they can pay for the city's attorney fees.

It was his understanding also that dogs would be on a leash. He suggested putting up boxes with waste containers and bags.

He thanked the DPW for plowing early so everyone could get out and do what they needed to do.

Conkey recalled discussion on a call log at City Hall. He would like council to get an update on that. Martin stated he would get that to them.

Conkey asked to extend the snow fencing on Ferndale. Currently it stops at the second pump house and the drifting is going over the road past the pump house. Martin stated, hopefully they could extend it if the ground is not too frozen.

Conkey shared there are still vehicles and cut up boats back in the RVA lot. Martin stated they cut it up and are waiting for it to be taken away. Martin noted quite a bit of stuff was clean up and taken out.

Conkey asked what the status is on the new police car is and when the old ones would be sold. Chief Silver stated the Charger should be here within a week and they will auction off the old ones in April or May.

Conkey also asked that the website be updated; it is still showing him as Mayor Pro-Tem.

Lorenz asked everyone to remember the Roesler's family and friends in their prayers and also the men and women fighting for our country.

He addressed the Community Center and he hates to be at odds with Mr. Eriksen. Lorenz looks at all the work that he has done for the city and he thanked for Rick Eriksen, Jack Hunger, Gail Hunger, Brian Schulz and all the people involved in getting this project going and getting something to pass. He also thanked Eric Wiegand, Molly Rozyicki, Helen McAllister, Judy Schwanitz, Helen Jane Peters, Peter Peters, and Marlene Toby. They have gone through various planning meetings with people and came up with a very nice renovation plan that didn't get the public support that maybe it should have. That maybe because it was a bit more money than the newly built plan. He thanked JoAnn Eberhardt who worked on saving the pewabac tile.

Lorenz addressed the basement issue and recalled Judy Schwanitz asking, at one of the open meetings, if a basement would be included and the response was Council hoped they would be able to achieve a basement and if it wasn't achieved then they would have to explain why this is. He believes the committee will present their plan when they are done looking into all the aspects, and explain their reasons for it.

## **ACTION ITEMS**

- a. Consideration to Allow Dogs in Lakeview and Community Center Parks

### **PR-006-07**

Bibeau clarified the current ordinance requires the dog to be under control at all times. This provision is not being changed. The only change in the ordinance is allowing leashed dogs in the Lakeview and Community Center parks. The leash requirement is 10 feet.

Patty Harrop asked if signs will be posted and who will enforce it because animal control isn't doing it now. Lorenz stated the park ranger and police will. Martin clarified, animal control is for loose dogs only. The police will handle everything else such as barking, in the park and unleashed if the owner is present.

Mike Menuck would like the leash law changed to 6 feet and that it has to be hand held, because he sees residents walking their dog with a leash on, but not holding onto the leash.

Harrop is concerned with people not picking up after their dog. It is a big problem already and she feels it will be a bigger problem if they allowed in the park. She feels people will try to bring them into Ferndale park also.

Chuck Toby agreed with Harrop that it is going to be a problem.

Maurina expressed she is uncomfortable with this. She met a lot of dog owners while she was campaigning and understands the need for it. She lives in front of the park and also has

witnessed leashed dogs running free. She feels Lakeview is a narrow area. Martin informed her the reason it was chosen was because the Lakeview owners are already walking their dogs there. Maurina still feels this area doesn't need to be included. She feels if it isn't going to be enforced then they should adopt it.

Conkey agrees with the enforcement and people leashing their dogs and letting them run loose. Reassurance from the police department that it is going to be enforced would help and putting the disposal bags/containers out there will help. He suggested giving it a try for a year and if it doesn't work then they can rescind it.

Nicole Menuck stated, we can't expect the police to hang out in the park and watch for dogs. She feels the point in letting dogs in the park is to let them run free, so she doesn't see the point in doing this.

Marlene Toby is concerned with dogs in the Community Center park, if nobody is going to be watching, it is no good. She suggested an area behind the basketball court. She feels opening the whole park is not a good idea.

Lorenz stated he has mixed feelings on this. He feels there should be a penalty for not picking up after the dog. Bibeau clarified it is a misdemeanor with a 90 day penalty. Lorenz suggested this item be tabled and council talk to more residents and look at the enforcement more.

**A2-001-07**

b. Approval of Mayoral Appointment to the GWBCAB

Mayor Lorenz recommended Loren Maurina.

Moved by Hungerman, seconded Shepp, to approve the appointment of Loren Maurina to the Greater West Bloomfield Cable Advisory Board with the term to expire June 30, 2008.

Yes: All  
No: None

MOTION CARRIED

**A2-002-07**

c. Approval of Mayoral Appointment to the Planning Commission

Mayor Lorenz recommended Russ Meskin.

Moved by Maurina, seconded Shepp, to approve the appointment of Russ Meskin to the Planning Commission for a three year term to expire February 28, 2010.

Yes: All  
No: None

MOTION CARRIED

**A2-003-07**

d. Approval of Mayoral Appointment to Board of Review

Mayor Lorenz recommended Hazel Holly.

Moved by Conkey, seconded Maurina, to approve the appointment of Hazel Holly to the Board of Review with the term to expire January 31, 2009.

Yes: All  
No: None

MOTION CARRIED

**R2-005-07 T-001-07**

e. Approval of Resolution Requesting all County Tax be Levied on the Summer Tax Bill

Martin explained this is a request for the County to move their last portion of taxes to the summer tax bill. With the small dollars it generates it doesn't make sense to send a separate winter bill.

Clerk Clippert explained this is the last year for the County operating tax on the winter tax bill. The only thing remaining on the winter tax next year will be the County's Park & Recreation Millage and HCMA Millage. There will be bills as small as .06 and the largest one will be \$350. The cost to process the winter tax bills is around \$1,000.

Moved by Hungerman, seconded Conkey, to adopt the resolution requesting all County tax be levied on the summer tax bill.

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

RESOLUTION ADOPTED

f. Approval of Budget Amendments for Fiscal 2006/07

**B-002-07**

Moved by Shepp, seconded Hungerman, to approve the budget amendments for fiscal year 2006/07 as presented.

Yes: Yes  
No: None

MOTION CARRIED

**CA-001-07**

g. Approval of Public Assets License Agreement and Wireless Oakland Agreement

Martin explained this is something the County has been working on for a couple of years now. Fifty-five Municipalities in the County have approved the agreement. There is no cost to the City.

Lorenz asked how Comcast and other cable providers like this. Hungerman stated it is only no cost for the lower speed. They are making their money on the higher speeds.

Lorenz asked if it could be installed on the tower. Martin stated he would speak with them.

Moved by Hungerman, seconded Maurina, to approve the Oakland County Wireless agreement and the Public Assets License Agreement with Oakland County and Michtel Communications for the Wireless Oakland project.

Yes: All  
No: None

MOTION CARRIED

**R2-06-07      T-002-07**

h. Approval of Resolution Establishing Income Levels for Board of Review Hardship Cases

Martin stated the Board of Review hears cases from residents petitioning for relief on their property taxes. This just updates the income guidelines for financial hardship cases.

Conkey suggested having the Board of Review handing out applications for the Community Development Block Grant funds. Martin agreed they can inform residents of this.

Moved by Shepp, seconded Maurina, to approve the resolution establishing household income level for financial hardships for the Board of Review.

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

RESOLUTION ADOPTED

**NON-ACTION ITEMS**

- a. Right-of-Way Policy
- 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.

- b. Boat Docks and Marina License **BD-005-07**

Martin provided an update, stating he has spoken with the DEQ a number of times. They received the City's application last week and he hasn't heard anything back from them yet. He has left a couple of messages. He explained the City is asking for what we currently have had for the last 60 years, no changes.

#### NEWSLETTER AND CABLE INPUT

Marlene Toby expressed she doesn't like the electronic newsletter with all the fluff stuff. She likes the old newsletter with all the important information with no embellishments. Martin suggested she print the old newsletter off the website.

The following items should be put in the newsletter, dogs in parks and Meals on Wheels through Sylvan Lake Lutheran Church.

#### ADJOURNMENT

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

Yes: All  
No: None

**MOTION CARRIED**

The meeting was adjourned at 8:56 p.m.

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Dennise Clippert, City Clerk