

CITY OF SYLVAN LAKE
REGULAR MEETING
JANUARY 10, 2007

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, January 10, 2007; opening at 7:30 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Maurina, Shepp, Conkey, Hungerman, Lorenz

Absent: None

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

APPROVAL OF AGENDA

Martin requested item 11G, Extend Time for Lakeview Consent Judgement Residents, be added.

Moved by Shepp, seconded Maurina, to approve the City Council Agenda for January 10, 2007, as amended.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

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

December 13, 2006, Special Meeting

December 13, 2006 Organizational Meeting

December 13, 2006 Regular Meeting

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Shepp seconded Maurina, to approve the voucher report for January totaling \$183,363.79.

Dec Payroll	\$ 45,244.61	Check #'s 10244-10269
Accts Pay-Dec-Jan	\$135,527.76	Check #'s 41632-41703
Auto Debits	<u>2,591.42</u>	
	\$ 183,363.79	

Yes: All
No: None

MOTION CARRIED

Lorenz pointed out \$900 has already been spend for ramp keys and locks. This money could go towards a key card security system.

Conkey questioned if tree service has gone out for bid. He thought Lamphere Tree's were high. Martin acknowledged he got bids for the removal of the ash trees and Lamphere's followed the State's guidelines. Martin will look into what this bill covered and let City Council know.

ACCEPTANCE OF REPORTS

A3-001-07

Attorney Bibeau explained a new case has been filed regarding the Lakeview Consent Judgment. This was somewhat anticipated. The property owners claim that the City is in violation for charging a dock fee, because there was no dock fee at the time of the Consent Judgment was entered into. They are seeking a refund for all the back years. Also they claim the city has not maintained the lakeshore area in a reasonable manner. The date for the hearing is February 28th.

Shepp questioned if there was a typo on the Police Report for number of larceny. The total is "5" but nothing is in the breakdown. Martin agreed it must be a typo, but he will double check to make sure this is correct.

Mayor Lorenz received the City Attorney's and DPW's reports for the month of December 2006 and the Police Department report for November 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.

Dave MacGills, 1746 Woodland, thanked John Shepp and Sharon Maurina for attending the ZBA hearing for Detroit Edison. MacGillis suggested following West Bloomfield's policy for hearing the public comment. He felt it would be more helpful to the residents.

MacGillis notices the drain covers are all missing over at the Whitfield property.

He questioned the storage area behind City Hall and why there are open spaces. Martin asked MacGillis to call the City Hall front desk and they could provide this information.

PR-001-07

Norm Denke, 1896 Warwick, commented on item 11A. He stated the small beach on Lakeview is uncontrollable. Residents living there feel this is their area. Denke feels the police are not interested in enforcing the ordinance. He stated he had a lady at Ferndale beach, who said an officer told her it was ok for her dog to be in the sand and go in the water. She would not tell him who the officer was. Martin replied, this probably wasn't true. Denke also stated there is a swim area off the bridge which residents are using. He did acknowledge the Chief is interested in enforcing the ordinance, but feels his officers are not.

There were no other comments

Mayor Lorenz closed this portion opened to the public.

CITY MANAGER COMMENTS

Martin hoped everyone had a nice holiday. He stated the lack of snow is going to help the Major and Local Street budgets.

Sylvan Shuffle

Michelle Allread is already planning the next fun run in May. She is looking for advertisers.

Study Session

Orchard, Hiltz will be at the study session to discuss the street/drainage project.

Auditors

F-001-07

Martin shared that he and Clippert met with Plante & Moran today. They discussed audit bids and the audit report and questioned why the City wants to go out for bid. They suggested staying with Janz & Knight unless there were problems. They are a reputable firm. Plante & Moran cost would probably be double of Janz & Knight's fee. They did state they could work with the city on a five year plan, wa/sw rates and look the Community Center project. Martin is looking forward to working with them. Martin asked City Council to retain Janz & Knight as the City's auditors. Lorenz stated he would like to put this on the agenda to discuss.

CITY COUNCIL COMMENTS

Shepp exclaimed the decorations in the city this year were great. He feels it shows pride and participation.

Maurina had no comment.

Hungerman thanked Rick Vanker for serving on Planning Commission for more than 20 years. Vanker will be stepping down next meeting. Hungerman commended Vanker for his time. Hungerman also thanked the Caroler's for their performance.

Conkey questioned the rental application which went out this month. He asked if it went to the tax roll address or just the home address. He didn't receive one for his rental. Clippert stated they only went to the home address. Conkey suggested they be sent to tax roll addresses.

BD-001-07

Also Conkey stated the boat renewal application went out. He was wondering if they should since they are not sure what is happening. Martin stated he is working with an attorney on this situation. They are saying to plan on doing things as they have been in the past. If something can't be passed by the DEQ in time, then they will go to circuit court and get an injunction to allow the city to do what has been done in the past 60-70 years, while the city goes through the process. The application will be going in this week for them to review, then they will send it to the DEQ. Then there will be a meeting with the DEQ. Also Paul Hungerman is setting up a meeting with a couple of people from the Sylvan-Otter Group who were opposed to the additional boat slips. Martin will attend this meeting and they will also discuss other issue they have and if they can come to an agreement then this will make the process easier.

PR-002-07

Conkey also commented on the trash cans in the parks blowing over. He asked what it cost for permanent cans. Martin stated he has looked into this and they cost from \$400-\$600. Conkey would like to get some. Martin doesn't have a problem with getting a few each year.

PR-003-07

Conkey added to MacGillis' comment on the RVA lot. He stated there are un-licensed vehicles back there and a sail boat that has been sitting there for three years with holes in it.

Lorenz wished everybody a Happy New Year. He thanked the volunteer light judges and the choir for caroling.

Lorenz is glad the City met with Plante & Moran. He is very interested in the five year plan.

PR-004-07

Lorenz would like to address the boat ramp enforcement. He suggested possibly getting a part-time person to make sure that boats are properly being launched. He would like to see a policy change for the one day pass. He doesn't feel it is right that if a residents has a friend or family come into town for the day, they can't get a one day pass because this resident doesn't have a ramp key.

ACTION ITEMS

- a. Consideration to Allow Dogs in a Specific Park Area

PR-005-07

Conkey suggested allowing dogs in the Community Center park. The other parks have children. He stated the policy should read that all dogs will be leashed even in the area. Shepp would just like to see it enforced if they are going to have a policy and not allow dogs in other areas. Lorenz agreed with Conkey on the area. He is not for the Police taking the time to enforce the ordinance on Lakeview and suggested they extend the area to Lakeview also. Hungerman suggested they put this item in the newsletter stating these areas they are looking at, so residents can comment. Martin noted it was in the newsletter, but he will add the area they are looking at. Martin will also work on some language.

b. Discussion of Agreement with McKenna Associates to Update Zoning Ordinance

ZP-001-07

Council felt the fees are high. They doesn't feel they need to go through it this methodically. They would like to take it out to bid.

Lorenz asked at what point they could make a temporary hold on development, until these zoning changes go into effect. Bibeau stated they can discourage it, but not prevent an owner from developing under the current zoning classification. He suggested explaining to them the city will be changing the zoning and their property would then become a non-conforming use and they wouldn't be able to expand or improve. Lorenz questioned how long it takes to change the zoning. Bibeau stated 30-45 days. They will need to hold a public hearing for the zoning ordinance and rezoning property. He clarified they don't have to wait until the Master Plan is approved. Martin stated they will need to work with McKenna on this. Lorenz would like to get moving on this right away.

C4-001-07 R2-001-07

c. Local Approval Request from the MLCC (Liquor Control) for the Transfer of Ownership of a 2006 12-Month Resort Class C License with Dance/Entertainment Permit for 2440 Orchard Lake Road (Cactus Willies).

Martin reminded them last month they had questions on what could and could not be done with the entertainment and dance permits, and they do not need any kind of permit to have somebody play the piano, guitar or sing. They need a permit when there is competition such karaoke or similar. The dance permit requires a specific dance floor with minimum area. He noted the plan doesn't indicate a dance floor for the restaurant. Martin suggested they approve the transfer of the Class C license with no dance/entertainment.

Dr. Singh, owner of Cactus Willies, stated they are not interested in having dancing in the facility. Service for beer and wine only, is fine with him.

Martin did note the area that Dr. Singh is using for the restaurant is smaller than what the Lodge was, by two rental units. They did calculate the parking area using general commercial parking requirements for the vacant units. Martin stated, he has two more parking spaces than required. Lorenz noted he made the restaurant smaller in order to achieve this.

Lorenz questioned a second petition to sell carry-out liquor. Martin stated there is not. Dr. Singh also stated he will not be doing this.

Moved by Conkey, seconded Maurina, to approve the resolution approving the 12-month resort Class C permit, without dance or entertainment, for Cactus Willies, 2440 Orchard Lake Road, request ID#374948.

Yes: Shepp, Conkey, Hungerman, Lorenz, Maurina

No: None

RESOLUTION ADOPTED

d. Approval of Resolution Accepting 2007 CDBG Funds

B3-002-07 R2-002-07

Lorenz would like to find a liaison to inform residents of the program. Conkey suggested using the Board of Review. They get hardship applications. Lorenz questioned if enclosing a ditch, because it is too difficult to mow, would qualify under these funds. Martin stated it would. He would like to put something in the newsletter looking for a liaison to go door-to-door.

Moved by Maurina, seconded Hungerman, to approve the resolution to participate in the Community Development Block Grant program for the 2007 program year.

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

RESOLUTION ADOPTED

e. Approval of Resolution to Recall AutoMark Voting Equipment

E-001-07 R2-003-07

Martin explained this resolution was created by the Oakland County Clerks Association and is being brought before all of the municipalities that used the equipment. Clippert explained that none of the machines used in Oakland County worked properly at the November election.

Moved by Conkey, seconded Shepp, to approve the resolution to recall the Automark voting equipment as presented.

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

RESOLUTION ADOPTED

f. Approval of Resolution to Adopt the Oakland County Hazard Mitigation Plan

R2-004-07

Martin explained this addresses anything that could be a potential hazard. The two items that were identified for Sylvan Lake to be aware of and work on, were flooding at Garland and Avondale, and sewer backups on Cheltingham during heavy rain events. Martin acknowledged both problems have been rectified with the street and drainage project and water sewer project. He noted there is no further impact to the City.

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

RESOLUTION ADOPTED

g. Extend Time for Lakeview Consent Judgment Owners to File Boat Dock Application Permit for 2007

BD-002-07

Bibeau explained this will allow sufficient time for the City to respond to the motion and hopefully a decision will be made.

Moved by Hungerman, seconded Shepp, to extend the 2007 dock permit application for the 18 defendants on Lakeview to May 1, 2007.

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.

j. City Managers Review

A-001-07

Mayor Lorenz recommended they remove this item from the agenda in light of Louis Schimmel's positive evaluation report.

Moved by Hungerman, seconded Shepp, to remove the City's Manager's Review from the agenda.

Yes: All
No: None

MOTION CARRIED

NEWSLETTER AND CABLE INPUT

Under consideration-allowing dogs at the Community Center and Lakeview park, on leashes.
Also looking for a liaison to explain CDBG program to seniors.

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting was adjourned at 8:40 p.m.

Dennise Clippert, City Clerk