

CITY OF SYLVAN LAKE  
REGULAR MEETING  
JANUARY 14, 2009

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, January 14, 2009; opening at 7:38 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Wiegand, Zubrzycki(7:39 p.m.) Lorenz, Shepp

Absent: Maurina

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

APPROVAL OF AGENDA

Martin requested item 11C be moved down on the agenda. Loren Maurina is going to be delayed and asked to wait for him.

Moved by Wiegand, seconded Shepp, to approve the City Council Agenda for January 14, 2009, moving item 11C down on the agenda to when Loren Maurina is in attendance.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

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

December 10, 2008, Organization & Regular Meeting

December 15, 2008, Study Session

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

**A-001-09**

Wiegand questioned the Consumers Power expense. Martin explained \$1300 wasn't for City Hall. It was for the Community Center. It was an estimated bill. Consumers was called and told to get an actual reading. A revised bill will be sent. The \$1300 was not automatically debited.

Moved by Shepp, seconded Wiegand, to approve the voucher report for January totaling \$258,994.82.

Dec Payroll \$ 56,304.14 Check #'s DD434-EFT185

Accts Pay-Dec-Jan \$202,690.68 Check #'s 43537-43625

Totaling \$258,994.82

Yes: All  
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

**P1-001-09**

Zubrzycki questioned assists-other agencies. Lorenz thought this was assists from other communities. He would like to see how many come to Sylvan Lake's assistance. Martin will inform the Chief of this request.

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

COMMITTEE REPORTS

**PR-001-09**

Mitch Black reported on the Park & Recreation Committee. He shared the ice rink is 100% ready. They have four halogen lights for evening skating. They would like to hold skate nights at the Community Center. He asked that Council allow the City Manager authority to give permission for them to use the center if it is available. It is hard to set a date with it being weather dependent. So if a date is available it can be changed around as needed with Martin's approval. The website can keep residents aware of the dates of skate nights.

Black stated he had a resident propose to him a kids summer camp, two days a week. High School kids would be trained in CPR and help out with this camp.

Black announced a 50' Plasma TV has been donated to the Community Center. Some of the funds were left over from the soccer program. Most were from the super bowl party that will be in a couple weeks. They already have three quarters of the funds raised. The super bowl party is not an official fund-raising activity and the Community Center is being rented for the day.

Nicole Menuck stated the Community Center Rules & Regulations Committee provided suggestions for changes and wondered where that stands. Martin stated it is on his desk. Lorenz asked that it be brought to the study session.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Nicole Menuck inquired if there are any rules for the ice rink. She stated she went by one night after 10:00 p.m. and a lot of people were out there, she wasn't sure if they were bothering neighbors and they had a bonfire. Black stated the vision is for residents to use. He didn't feel there were any huge issues yet and they could cross that bridge if they come to it.

Black stated the city parks close at 11:00 p.m. and figures this would be followed. He stated the outdoor fireplace could be used except you have to be able to get into the Community Center to turn it on. Shepp added, no open burning is allowed. The police should be contacted if someone has a bonfire going.

Menuck asked if the ordinance officer has a set schedule. She stated Tuesday garbage is put out and that day is a big day for violations. Martin stated the biggest problem days are the weekends. Zubrzycki asked if the code officer could work the 1<sup>st</sup> Tuesday of each. Martin stated he does change up which days he works. Menuck asked if a letter could be written from City Hall. Martin stated if you call city hall the Chief will be informed and he will have the code officer write a letter.

There were no other comments.

Mayor Lorenz closed this portion opened to the public.

#### CITY MANAGER COMMENTS

##### Ice Rink

Martin stated he will have a sign made for park rules. It can be done quickly. Martin thanked the Parks and Recreation Committee for the ice rink and TV.

##### ZBA

2366 Pontiac Drive was granted a variance to maintain their current non-conforming structure.

##### Salt/Plowing

The City has already used 30 tons of salt for the month of December. The snow is perpetual and difficult to keep up with. He informed the residents when they don't see the road salted, it is because of the cold temperatures.

##### Tim Horton's

Martin met with them yesterday and today. They have made a change with their contractor construction manager/developer. They discussed the site and hope to begin construction in the spring. They have to submit plans to Planning Commission.

##### Garbage and Rubbish

Martin announced the contract is almost up with Richfield and negotiations will begin. The City will be discussing a joint bid again with Orchard Lake and Keego Harbor again. The last contract was for three years with a possible seven-year extension. Shepp asked what the chances are for extending it. Martin said it is a good possibility. Richfield is also making improvements in their recycling program.

#### Mowing Contract

Bid specs are being worked on. They will include that the contractor is paid strictly per cut and the city will have the ability to say when it will be cut.

#### Community Center

Volunteers are still needed to be in the building for it to be open. We just got our first volunteer tonight.

#### Street Assessment

#### **S-001-09**

A contractor, through the Road Commission for Oakland County conducted a street assessment on Sylvan Lake's streets. The streets are rated on a scale of 1-10, ours were rated 9's and 10's, which is excellent. Martin is hoping this will help stop the residents from thinking the roads are terrible.

#### CITY COUNCIL COMMENTS

Zubrzycki wished everyone a Happy New Year. He apologized for being late. He had a flat tire. He expressed the ice rink is a great place to go and have fun. He suggested consolidating the volunteer things. He will give it some thought. He has been approach by some residents regarding getting a committee together for tennis courts, to get them back in working condition.

Shepp is thankful for people like Mitch Black, Nicole Menuck and Rob Galacz. The residents getting involved and helping out in the city. He congratulated the DPW on their great job of plowing.

Wiegand announced the Home and Garden Tour is looking for advertisers for the booklet. Economic times are making it difficult.

He agreed the DPW are doing a great job.

#### **FD-001-09**

Wiegand stated the fire board held their monthly meeting here in Sylvan Lake last night. The fire on Garland was addressed. Comments came up regarding zero residual pressure in the water main. The DPW was called to try and get more. He relayed the Fire Department feels the water tower should be filled to create more pressure through the water mains. The fire on Garland was not arson oriented. Wiegand asked Martin to explain the pressure issue. Martin explained static pressure is when the system is closed and measuring the pressure. Our static pressure is 65 pounds. An example of residual pressure is when you are home and you open a faucet and measuring how much pressure is left on the system. When they are stating zero residual pressure, it is because they were pumping water out of the mains and it got it down to zero residual. Wiegand interjected, the fire department said if it goes below zero it will damage the water main, so that is why residents where questioning this. Martin stated that is correct. Martin continued that ISO, the company that does actuarial's for fire insurance purposes, came through Sylvan Lake gave us a ranking of 3. On a scale of 1-10, 1 being the best. West Bloomfield received a 4. Martin addressed having water in the tower. He has been toying

with this question, but only to lower peak times during the summer to try to lower our water rate. There are a lot of variables in making that decision. The water tower provides 55 lbs. of pressure. Detroit Water is 65 lbs. The only time the tower would be beneficial, other than to limit peak demands on the system, would be if Detroit Water failed. Martin was also called on the night of fire regarding how to get more pressure. Because of the design of the system we could not supply water to the area as fast the trucks were pumping it from the system. He added that another question he was asked was the size of the leads to the hydrants. All of the leads to hydrants are 6".

Lorenz asked if the lake could be used. Wiegand replied, that was discussed last night and they said it would take more time to do that. Wiegand feels the Fire Department did remarkably well in saving the two other houses.

Bill Wright, Sylvan Lake's Fire Board Representative, explained the process of how a call is answered.

Lorenz hoped everyone had a happy and safe holiday. He thanked everyone for coming tonight. He stated apathy sets in when everything is running ok. Nobody comes to a meeting until they're upset with something. The council is getting a lot of questions on how they are going to fix the budget deficit. He stated residents need to be concerned now and come and voice their opinion. He encouraged those here tonight to bring their family, friends and neighbors. He acknowledged the city has been proactive. For the last five years only small raises were given. City Hall over the years has taken their own initiative to raise deductibles and co-pays on the benefits to save the City money. Again he asked residents to come to discuss the issues of what will be done, cut or increased.

#### **SC-001-09**

Lorenz stated an RFP has gone out for marketing the Whitfield property. He would like council to explore the possibility of condemning this property. He would like to direct the developer as much as possible. The city needs to control how this property is developed.

### **ACTION ITEMS**

- a. Consideration to Approve 2009 GWBCAB Budget

#### **C3-001-09**

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, which comes from the four communities Cable Joint Venture Fund. He stated Chris Milia from Civic Center Channel 15 and Michael Grogan, Cable Board Member from Orchard Lake, are also in attendance to answer any questions.

Council each asked Milia a number of questions, regarding deferred management fees, expenses with Civic Center Media LLC, and the increase in maintenance expense; which they received answers to. Loren Maurina informed City Council they could contract anyone to tape City Council meetings and then give the tape to cable to put on it on Channel 15. It wouldn't be live,

but it would provide coverage. Maurina also reported Sylvan Lake's portion in the cable joint venture fund at the end of 2007 is \$5,281. Several people on the board are concerned with the percentage being put into the fund and the percentage of expenses being charged. The percentage being charged was set back in 2001 when the latest cable agreement was signed. We are charged 2.8%. The problem is that we aren't putting in 2.8% into the fund. So we are eating into our portion of the fund. Orchard Lake and West Bloomfield Twp. have been putting in a larger percentage than they are being charged. Albery and Maurina would like to approach these two communities and show them this isn't fair to Sylvan Lake and Keego Harbor that they are being charged more than what is being put in and try to get it redone retroactively.

Mayor Lorenz thanked Loren Maurina for his work on the cable board. Albery added he is thankful also for Maurina getting involved in helping with getting things moving and done with reconciling this joint fund.

Moved by Wiegand, seconded Zubrzycki, to approve the 2009 Greater West Bloomfield Cable Advisor Board Budget as presented.

Yes: All  
No: None

MOTION CARRIED

b. Approval of Reappointment to the Zoning Board of Appeals

**A2-001-09**

Mayor Lorenz stated Jerry Nechal has resigned from the ZBA due to scheduling conflicts. Patty Harrop and Rob Galacz's terms have expired. He recommended reappointing Patty Harrop and Rob Galacz to the Zoning Board of Appeals as regular members and make the vacant seat created by Jerry Nechal's resignation an alternate position.

Moved by Shepp, seconded Wiegand, to accept Jerry Nechal's resignation and approve Mayor Lorenz' reappointment of Patty Harrop and Rob Galacz to the Zoning Board of Appeals as regular members for three years and making the vacant seat created by Nechal's resignation an alternate position.

Yes: All  
No: None

MOTION CARRIED

c. Approval of Reappointment to the Board of Review

**A2-002-09**

Mayor Lorenz stated he would like to appoint Hazel Holly to the Board of Review for another three-year term.

Moved by Wiegand, seconded Shepp to approve the Mayor's appointment of Hazel Holly to the Board of Review for another three-year term.

Yes: All  
No: None

MOTION CARRIED

d. Approval of Financial Institutions to be used for 2009

**F-001-09**

Clerk Clippert explained according to the City's investment policy, City Council is required to approve the financial institutions to be used for banking and investing for the next year. Clippert has verified their bank ratings. She asked that Macomb Bank be removed from the list. Lorenz asked if Flagstar should be on the list. Clippert explained because of the volume of dollars this bank holds, it is safe to work with. The city holds their everyday checking account with Flagstar.

Moved by Wiegand, seconded Shepp, to approve the Financial Institutions for 2009 as presented.

Yes: All  
No: None

MOTION CARRIED

e. Discussion of DTE Issues

**C4-001-09**

Council member Zubrzycki drafted a letter to DTE. He would like City Council's approval to send the letter with their endorsement. The intent of the letter is so upper management is aware of what is going on. Council discussed the letter and made suggestions.

Wiegand questioned what will happen if they don't comply with the letter. Attorney Bibeau stated it is just a letter. There is no legal obligation. Lorenz feels it is a good letter and if they had followed their emergency corporation response action, this would take care of the problem.

Wiegand would like to see the other letters written to DTE. He asked how this letter is different from the other ones. Lorenz stated this would be coming from the city and going to upper management.

Lorenz suggested sending the petition that was signed by residents in the city, with the letter. The petition was made to the city, which is why it was never submitted.

Moved by Zubrzycki, seconded Wiegand, to approve sending a letter to DTE with City Council's support, having the City Manager review the letter first and sending the signed petition with it.

Yes: All  
No: None

MOTION CARRIED

f. Discussion of Noise Ordinance **O-001-09**

Martin stated there has been a request for a noise ordinance. The city has a nuisance ordinance, but not a noise ordinance. It would need to go to Planning Commission first. Martin is willing to take this to the Planning Commission.

Shepp is concerned with enforcing more ordinances. He feels it needs to be an enforceable ordinance. Lorenz is not in favor of more rules and regulations. If something good can be found then he will keep an open mind and look at it.

Council informed Martin they are interested in pursuing this issue.

g. Discussion of Revenues and Expenditures **B-001-09**

Martin reviewed the possible action items council has been looking at to balance the budget for this year. Council each ranked these revenue and expense items and Martin read the results. Charges for services could have the greatest impact on revenue in the budget. Martin is not recommending any changes at this time. Some of the charges discussed were dock, park and tag fees. Opening the parks to the public is a possibility worth discussing, promoting a marketing campaign to increase resident-sponsored rental of the Community Center or opening the rental to nonresidents. Now is not the time to sell city property, but there is potential to do this. Some of council were in favor of a power shift for police. Having a part-time officer work a few 4-hour shifts per week to work strictly on DUI, OUIL, etc. arrests. Proposed expenses to cut were: Close City Hall one day a week. Full time employees would still work, but front desk help would not. Mow City Hall every other week, reduce code enforcement from 20 hours a week to 10 hours. Special Assess for street lighting, reduce the amount of time with Planning Consultant, which Planning Commission uses. Parks-eliminate park rangers and beach/park patrol, mow the grass every other week except in the spring, use volunteers only for trail maintenance. Employee benefits have already been reduced. Capital projects-no improvements to City Hall or the parks. Possibly not purchase a new police car. Other thoughts discussed were eliminating contribution to Sylvan-Otter for Lake Control and opening the parks to the public to eliminate the taxes which the city is paying to keep them private.

Mayor Lorenz explained Sylvan Lake has never had a millage increase. Martin added, Sylvan Lake's millage rate by Charter is set at 10 mills. Most communities are 20 mills. Sylvan Lake is currently rolled back to 6.89 because of the Headlee amendment.

Lorenz suggested adding vending machines in the parks to add revenue. There is also some empty space in the old DPW garage which could be leased out. He feels the RVA lot fees could be increased. Wiegand suggested winter storage in the aisles of the RVA lot. Council thought this might not work because of tightness and bigger RV's. Martin added they also need to be able to plow and get RV's out in the winter.

Shepp has two serious issues. He will argue opening the parks to the public and other than selling the property at the point, he doesn't want to sell. Once property is sold, you can't get it back.

Lorenz explained the goal they are trying to achieve this year is keeping things the same. They need to come up with \$100,000.

Wiegand stated he is willing to raise dock fees. Lorenz asked how much he would be willing to increase them. Wiegand replied, \$150 increase. Lorenz asked when the dock renewal notices go out. Martin stated they just went out. Lorenz would be more willing to increase the dock fees if the residents would be willing to pass a millage for support of the city. This would allow the city to get rid of the park tags, registration and key fees. He believes everybody benefits from the parks. Even if they don't use them there is still a benefit. He doesn't believe just because the residents of the city don't want to fund a millage, that the dock holders should fund the shortfalls. The residents need to understand that a proper millage rate in the city to allow the city to operate within the infrastructure that residents want. Sylvan Lake has one of the lowest foreclosure rates in southeast Michigan and yet we can't get money to fix a blight of the tennis courts. Shepp agreed with Lorenz, but feels it is not idealistic. Wiegand doesn't feel the proposed cuts will be enough. He feels the presentation for the millage needs to be better. Shepp stated these proposed cuts are not going fix things long term. It is only for this year. Zubrzycki agrees the parks are the greatest asset to residents; without them the values go way down. He added, anything that is passed (increased or cut) and council finds it is not working, can be changed back. Wiegand stated he is totally against opening the parks to the public.

Lorenz asked what steps would be needed to start the process of special assessment for street lighting. Martin explained it is a long process. The amount of the assessment has to be equal or greater value than the amount paid. For street lighting it can be based on how far away from the light you are or maybe a flat assessment. Flat assessment are extremely difficult because it is hard to say everybody is getting the same benefit. The process is to come up with an audit to show what the benefit is, what the cost is, which the city already knows because the general fund is paying it; set up a special assessment district, which would be the whole city and hold public hearings. Once it goes through this process residents have the right to appeal it. Once everything passes everyone would be billed from City Hall and City Hall would collect the money. If it is not paid then it would go onto their taxes.

Lorenz acknowledged it would be a lot for City Hall to administer, but it should be looked at. Lorenz would like to propose putting a millage question on the November ballot. Zubrzycki

feels better public relations are needed. Wiegand suggested putting a letter on the website explaining the potential cuts if this millage isn't passed.

Council discussed the need to put another millage proposal on the November ballot. All of Council agreed it is necessary and we should inform the residents now that this will be happening.

**E-001-09**

Moved by Shepp, seconded Wiegand, to place a millage proposal on the November ballot. Language will be determined at a later date.

Yes: Zubrzycki, Lorenz, Shepp, Wiegand

No: None

**MOTION CARRIED**

Lorenz would still like to be prepared to explore the special assessment if the millage doesn't pass. He would like to go forward with this in preparing for it. Shepp would like to understand what the city's net savings is going to be. In levying the special assessment will it cost more to administer ( e.g., \$18,000) than assessing (\$16,000) this fee. Is it worth it?

Lorenz addressed opening the Community Center to the public. He feels they need to make an effort to rent it during the day. He suggested possibly renting it to a corporation or the West Bloomfield Community Education Department. Wiegand proposed advertising with a good pamphlet. Zubrzycki suggested having one of the committees managing the Community Center to get it rented. Wiegand stated he has been on the Home & Garden Tour for three years and there only three people who do all the work. He feels they wouldn't be interested. Lorenz feels if this route is taken they should go with a professional organization who has experience in running events, maintenance and up keep.

Martin will get council some information on special assessments.

Martin explained some of the things already being done with expenses. There will be no capital projects, ordinance enforcement officer has already been cut in hours as of the 1<sup>st</sup> of the year, and additional significant changes to employee benefits take effect March 1<sup>st</sup>. Wiegand asked Martin to comment on the police car. Martin and the Chief would not recommend going another whole year with purchasing a police vehicle. He reminded them the fiscal year ends June 30<sup>th</sup>. A car could be ordered and delivered after July 1<sup>st</sup> which would affect next year's budget. Lorenz would like to see a list of police vehicles, year of the car, miles on each car and repair costs for each (not including routine maintenance cost). Martin stated he and Chief have been working on this and he will get this together for them.

Council agreed they are in favor of the power shift for the police department. Martin noted the hours in the police department have already been cut. The Chief is now working as a

Chief/Officer. Lorenz added other possibilities to look at are changing the department to part-time positions, or sharing a Chief with another community. Wiegand asked how many police officers are included in the retirement benefits. Martin stated five active and two retired. This includes the Chief. Zubrzycki stated he has had a lot of residents say they would feel safer having their own department. He would like to preserve this as much as possible. He would like to be more educated on what makes people feel safe; what are the measurements for this? Lorenz would like Martin to explore these ideas to see what long term effects it would have on the budget. Shepp is not in favor of this. He feels sharing a Chief with another city will only create more issues. With what is going on with the economy today the demand on the police is going to get more. Wiegand hopes with discussing these issues it will get more residents here and help to vote the millage.

h. Approval to Close City Hall One Day Per Week

**A2-001-09**

Martin explained with no front desk help this will save the city from paying 12 hours a week of part-time help. Also there will be a savings on utilities with less computers running, lights, etc.

Wiegand asked about Martin's note on possibly closing another half day. Martin stated that if he finds the work at the front desk is not able to be completed timely. He may ask to close City Hall another half day to complete the work uninterruptedly.

Moved by Wiegand, seconded Shepp, to approve having City Hall closed Mondays effective immediately.

Yes: All

No: None

**MOTION CARRIED**

**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.

NEWSLETTER AND CABLE INPUT

**C1-001-09**

City Council to submit communications to the City Manager to post on cable and send electronically. Loren Maurina suggested submitting a synopsis of the minutes to cable.

ADJOURNMENT

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

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 10:43 p.m.

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Dennise Clippert, City Clerk