

CITY OF SYLVAN LAKE
REGULAR MEETING
JULY 9, 2008

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, July 9, 2008; opening at 7:32 p.m. Mayor Hungerman presided over the Pledge of Allegiance.

Present: Wiegand, Hungerman, Lorenz, Maurina, Shepp
Absent: None
Also Present: City Manager Martin and City Attorney Bibeau

Yes: All
No: None

MOTION CARRIED

APPROVAL OF AGENDA

Mayor Hungerman requested to add Item 11K, to consider the approval of Pontiac Garden Club to use the Community Center. Bibeau requested item 11J be changed to discuss pending litigation. He has more to discuss than just Lakeview.

Moved by Maurina, seconded Wiegand, to approve the City Council Agenda for July 9, 2008, as amended.

Yes: All
No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Wiegand, seconded Maurina, to approve the following minutes as presented:

June 11, 2008 Regular Meeting
June 13, 2008 Special Meeting
June 17, 2008 Study Session

Yes: All
No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Lorenz, seconded Shepp, to approve the voucher report for July totaling \$378,351.23.

June Payroll	\$ 49,391.93	Check #'s 10690-EFT117
Accts Pay-June-July	\$328,959.30	Check #'s 42992-E000000028
Totaling	\$ 378,351.23	

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Hungerman received the City Attorney report for the month of June 2008, and the Police Department report for May 2008 and asked that they be placed on file.

COMMITTEE REPORTS

Wiegand spoke on behalf of the Home and Garden Tour Committee. He stated it was the most successful tour. Money from all the Home and Garden Tours is going to the Community Center kitchen and landscaping.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Helen McAllister announced the Ice Cream Social time has been changed to 6:00 - 8:00 p.m.

Judy Schwanitz is concerned with the house next door to them. It was left a mess and windows are open. They have called the police. They came and found garbage was left in the house. She feels the city needs to call the mortgage company and/or owner to get them to clean it up; follow up with them until it is up to code.

Jennifer McBurney stated she has a house next to her which she is having difficulty with. She reported it to the ordinance officer and he continually tells her "we're working on it," but nothing has been done. This year her neighbor and her are cutting the grass and removed the leaves. Lorenz asked how long this has been going on and where. McBurney replied, it has been about a year she started calling on it. The house is at 1926 Sherwood.

Kathleen Palazzolo complained about her neighbor's house and enforcement officer not doing his job. She feels he may need better direction and needs to follow through with getting an issue resolved.

Martin stated there is a process that has to be followed and residents may not know if the ordinance officer is or is not handling an issue. If the process isn't being followed then there is an issue. Palazzolo asked who the ordinance officer reports to. Martin stated the Police Chief. Lorenz shared, in the Chief's police report last month a 127 violation notices were issued for code violations. Lorenz agrees it not fast enough, but stated that is the process.

Judy Schwanitz suggested a small group of residents to assist the blight officer. She also mentioned the house behind Toby's. It has a tree falling down in the back yard and there is water in the basement. There is a house on Pontiac Drive which is being used for storage only. She would like to see follow through with these. Maurina asked Martin if he could find out about the status on the house behind Toby's. Martin stated he knows the enforcement officer has spoken with the Mortgage Company. He will look into it.

Russ Meskin questioned the policy for handling blight. Martin stated a letter is usually sent informing the owner what the ordinance is and they have so many days to fix it. Martin stated there are only two cases which the city can go on private property, grass and dead trees; and with the dead trees the city has to go to court and get a court order first. He further explained when someone is issued a violation and it goes to court, the Judge is most likely going to give them an extension the first two times they come in because they promise they will clean it up and then at the very last day before the court appearance they clean it up. Lorenz stated he is also frustrated with the process. Wiegand would like to discuss this at a study session. Martin would like to discuss and look at the blight ordinance and define blight to make it easier to understand.

Jack Hammons complained about the ordinance officer working on easy stuff instead of the bigger issues.

Kathleen Palazzolo understands the code enforcement officer reports to the Chief. She asked who follows through with the violations to make sure things are getting done. She asked why it has to go to court if there is a fine. Martin explained it is a court appearance ticket. He also stated if someone feels the ordinance officer isn't doing his job then they should talk to the Chief. If they still feel nothing is being done then they should talk with Martin.

Sharon Hughes stated she received a 30 day notice for blight with her driveway. She looked at two other streets and found 40 driveways that are worse and one garage with a hole in it. She noted gravel is allowed in driveways. She feels everyone in the city needs to be written up not just ones that you get complaints on.

One resident suggested residents talking with the household who is in violation because some are willing to fix things but are unable and some are able but unwilling. Maybe residents can help each other out.

Mitch Black discussed have monthly events at the Community Center. He asked if it is City Council's intent to have it a viable meeting place for functions that would not supercede city use or rentals. Will they be charged for community events and can a date be set aside each month for such events? Hungerman feels that is what the Community Center is for. Lorenz asked Patty Harrop a member of the Community Center Rental Advisory Committee, if she recalled what was discussed regarding this issue. Harrop stated it was left open as to who would pay or if nobody pays. It was left up to City Council to approve. Lorenz stated he is all for having the

building used by the community for such events. Maurina asked Black to put something in writing and asked if they could be flexible with the schedule because Saturdays in summer are primary rentals. Shepp wants the use for the community also. He is concerned with maintaining this building. He stated the money brought in from rentals isn't going to cover the cost to maintain this building. He suggested looking at it on a one-on-one basis before approving every event. Wiegand feels it is a good idea as long as it is cleaned and maintained according to the rules. He feels having programs such as these would help pass the millage proposal. Jack Hammons stated there is a little money which was collected for soccer and such events.

Nicole Menuck feels it should be looked at by event and there shouldn't be a need for a big document.

Maurina stated she would like to see a regular list of events so the city knows what they are looking at. She is in agreement, the center should be used for the community.

Mitch Black stated he will put together a list of events for City Council to review.

CITY MANAGER COMMENTS

Home & Garden Tour

Everything went well. Congratulations to the committee. A lot of great comments.

Fireworks

Also went well. Martin thanked Hungerman and Cindy Forcier for his work on the event.

Trail Crossing

Martin met with two representatives from the Friends of Clinton River Trail. Showed them the two options that we have, one being the pedestrian activated light, the other being the boulevard safety island in the center at a cost of \$150,000. They are going to try to raise the funds to get the safety island.

Community Center

The August City Council meeting will be held at the new Community Center as well as the Primary Election, August 5th. Landscaping may not be in, but the building will be ready.

Storm Water Mgmt.

There has been an increased amount of legislation from the State. They are talking right now what these increases will mean to the communities, dollar wise. He will update council on this within the next couple of months.

Audit

Will begin soon. They are adding more regulations. Policies are required for everything. It is a very time consuming process for the Clerk/Treasurer and City Hall.

Deputy Clerk

Joni Hennard is no longer working for the City. Her last day was July 1st. The city is looking to fill this position with two part-time positions one being the Deputy Clerk and the other as Deputy Treasurer. One of the requirements for the audit is to separate job deputies for checks and balances. Maurina suggested advertising with Craigs List.

CITY COUNCIL COMMENTS

Wiegand expressed the Community Center is looking good. He asked if the carpet has been ordered. Maurina stated it was ordered on Monday.

Wiegand discussed blight and is concerned with storage of cars. He also suggested looking at the ROW policy and maybe allowing brick pavers.

Wiegand stated after the fireworks there were a lot of cigarette butts and he has been trying to pick them and asked residents to do the same.

Maurina thanked the Home and Garden Tour Committee. They did a spectacular job. She gave a thank you to the residents who let people into their homes. They are looking for new homes for future tours. Residents should let the committee members know if they are interested.

Maurina asked the Mayor to thank the Boat Club for the fireworks.

Maurina addressed the blight ordinance and wants it to be clarified.

Shepp thanked and congratulated the Home and Garden Tour and fireworks. He also agreed blight issues need to be taken care of, but asked that they take into consideration property owners rights.

Shepp addressed concerns City Council has been looking at and the Community Center maintenance cost being one. He shared how revenues are being cut and the money has to come from somewhere to fund these costs.

Lorenz stated blight has been on the agenda since he has been on City Council. He feels having a committee to help out the ordinance officer may be a good idea to call mortgage companies, to get mowing done, etc.

Lorenz also thanked the Home & Garden Tour for their time and effort and all the volunteers who worked that day. He also thanked the Garden Club for the up keep on Memorial Park and the Ice Cream Social. More volunteers are needed for the Garden Club. He thanked the Oakland County Boat Club for the fireworks, those who donated to them and Hungerman for his work.

Lorenz hopes the millage will pass to help fund the parks and Community Center so they can be used for community events.

Hungerman thanked the Home and Garden Tour. He thanked the Boat Club for the fireworks, the businesses and residents for their donations and explained that Cindy Forcier and Nick Murray headed the fund raising. Next year they are looking at displaying the fireworks from a barge.

Hungerman agrees the blight ordinance needs to be more clear, but wants to make it clear there are certain private property rights that are very important.

ACTION ITEMS

a. Discussion of Policy for Fund Raising Activities

Martin feels a firm policy needs to be put in place on how fund raising for the City is handled, part of this is due to the audit standards. Some major issues that need to be addressed are sponsorship, how funds are received, funds for a specific purpose, City Council's approval is needed to approve what will be donated, or donated toward, prior to anything being done, individual or group approval, and city involvement.

Wiegand questioned if the group raises more funds than project costs or not enough money, do they hold the money. Martin replied, yes. The group would keep the money until they have enough funds to give the city to do whatever project was approved. He explained the reason behind it is because the budget shows revenue coming in this year and nothing going out because it is earmarked for something specific so it shows excess revenue. Then when the money does go out there is a big expense showing a deficit.

Wiegand stated the Home and Garden Tour Committee wanted to hold their money two years ago and the city told them they couldn't. Martin stated that is true because the city was involved. The city shouldn't be involved and then funds don't need to be held by the city.

b. Consideration to Approve Park and Rec Fund Raising

Mitch Black explained they want to hold a fund raiser to purchase an ice rink for in front of the Community Center and a projector and screen system for indoor/outdoor movies at the Community Center.

Martin asked if he is willing to do everything that was stated before in regards to handling the fund raiser. Black agreed they would. He stated they are looking for approval for the fundraising event on September 6th and for the money to be used for these items. The only thing they would need from the city is to store the equipment in the off season and use of restrooms.

Moved by Lorenz, seconded Maurina, to reserve September 6, 2008, for a fundraiser, to be held at the Community Center to raise money to have equipment for an ice skating rink and portable theater with the understanding that the city will not accept donations until there are enough funds to purchase the equipment.

Yes: All
No: None

MOTION CARRIED

c. Consideration to Approve Resolution Adopting New Water Rates

Martin explained water rates haven't been increased since 1994. Currently the city is being charged a little more than from the City of Detroit than the city is charging the residents. He is asking for two changes to the water rates. One will eliminate the extra base fee for homes in the R1 and R2 zoning districts with additional tenants. The second will increase the usage fee from \$2.40 per 1,000 gallons to \$2.60 per 1,000 gallons.

Moved by Lorenz , seconded Shepp, to approve the water rate resolution setting the base rates and usage fees as presented and said rates will be retroactive to the last billing period ending July 1, 2008.

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

RESOLUTION ADOPTED

d. Consideration to Approve Petitions and Resolution Regarding MDEQ Watershed Discharge Permits

Martin explained what the DEQ is doing in their last round of amendments is making all the municipalities do a lot more paper work and inspections on things that are not quality issues. What we are trying to do is make the DEQ look at this and soften it up some and make it more manageable, less time consuming and less expensive. This resolution from Oakland County states that.

Moved by Shepp, seconded Maurina, to approve the resolution to administratively contest the Michigan Department of Environmental Quality's May 22, 2008 issuance of Wastewater Discharge General Permits MIG610000 (Watershed) and MIS)49000.

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

RESOLUTION ADOPTED

City of Sylvan Lake
Regular Meeting
July 9, 2008

e. Consideration to Approve Ballot Language for a Headlee Millage Proposal

The Mayor reviewed this was discussed at the study session. Council didn't decide on a millage amount yet.

Moved by Shepp, seconded Lorenz, to approve the ballot language for a Headlee Restoration Millage to be placed on the November 4, 2008 ballot, as presented.

Yes: None
No: All

MOTION FAILED

Wiegand feels 3 mills is to much. Lorenz agreed. Shepp feels 1 mill isn't enough and 3 is too much. He suggested 2 mills. He stressed this would be on taxable value not assessed value.

Lorenz suggested they discuss this further, at the study session, after they see the list of everything that needs funding. Wiegand stated he can't make the study session on the 24th. Maurina can't either. City Council changed the study session to July 31 and made it a special meeting.

f. Consideration to Approve Ballot Language for Parks and Recreation Millage Proposal

Moved by Lorenz, seconded Wiegand, to approve the ballot language for a parks and recreation millage to be placed on the November 4, 2008 ballot as presented.

Yes: All
No: None

MOTION CARRIED

g. Consideration to Approve Mayoral Appointment to the GWBCAB for a Three-Year Term

Mayor Hungerman recommended reappointing Loren Maurina to the Greater West Bloomfield Cable Advisory Board for a three-year term.

Moved by Weigand, seconded Lorenz, to approve Mayor Hungerman's appointment of Loren Maurina to the Greater West Bloomfield Cable Advisory Board for a three-year term.

Yes: All
No: None

MOTION CARRIED

City of Sylvan Lake
Regular Meeting
July 9, 2008

h. Discussion of Blight Ordinance - Driveways

Martin provided the section of the blight ordinance which discusses driveways. He stated if City Council wants to consider cracked driveways as blight, it needs to be defined more. Council requested to look at this at the study session.

i. Consideration to Approve City Manager's Time to Investigate Joint Ventures with other Municipalities

Mayor Hungerman explained he met with the Mayor of Keego Harbor. They discussed sharing departments for duplicate services. Mayor Hungerman feels this is something the City Manager could better decide. He asked City Council if they are interested in having the City Manager look into this.

Lorenz agreed it would be a good idea. He pointed out Martin has looked at this in the past. He also stated that in sharing services doesn't always means the city will pay less, using the Fire Department as an example. He added he is not in favor of sharing police services because Sylvan Lake pays less per household than Keego Harbor. There is more for Keego Harbor to gain than there is for Sylvan Lake.

Mayor Hungerman explained why the Keego Harbor Police cars are being parked at Sylvan Lake City Hall. Keego Harbor is building a new city hall and they are going to be knocking down the DPW garage soon. They asked to park their cars at Sylvan Lake until around November 1st.

Shepp is all in favor of saving money, but feels Sylvan Lake has a very tight budget and he is not sure what would be gained. He is ok to look into it if it is minimal time taken from the City Manager.

Hungerman clarified this isn't just police services. They want to look at a broad range of things from sharing who we buy our gas from, insurance, DPW, etc.

Maurina asked if there is some legislation out there for incentives to share services. Martin agreed there is. There is an incentive of \$10,000 for a one-time shared services. There is limited funds to be given out and the bigger projects are getting the money first.

Maurina suggested waiting until City Hall is fully staffed again.

Martin stated he has been discussing sharing services with other communities for quite a few years now, but the biggest issue they find is that the cities are very different. Martin will call Keego Harbor's City Manager to discuss this.

Mayor Hungerman invited Laith Yaldoo to speak about the Valero Gas Station. Yaldoo stated they would like a temporary Certificate of Occupancy. He stated the building inspector has approved them and there are only minor things to do.

Martin explained the Planner went on-site and reviewed the plan with what was built. The Engineer checked all the retention areas to make sure they were correct. He received draft reports from them today. McKenna's is three pages, the Engineer's had some major corrections. Everything can be fixed. Martin reminded City Council this wasn't a normal site plan review. It was a consent judgement, which gives them zero leeway to vary from the plan. City Council will need to address what is different from the plan and approve it or have them change whatever they want, to come into compliance. Martin would like City Council to see the letters from McKenna and the Engineers to see what is involved. Bibeau added, City Council needs to document any changes and it should be filed with the court as an amendment.

Mayor Hungerman asked to hold a special meeting next week after they have had time to review the letters. City Council set Tuesday, July 15, 2008, at 4:00 p.m. at the Valero Gas Station.

j. Discussion of Pontiac Garden Club to Use Community Center

Mayor Hungerman reviewed last month Helen McAllister requested use of the Community Center for free, by the Pontiac Garden Club, on the seconded Monday, at 12:30 p.m., 6 or 7 times a year. There is more than one member which are residents of Sylvan Lake that belongs to this club. It is not at peak times and shouldn't interfere with what is going on.

Moved by Lorenz, seconded Shepp, to allow the Pontiac Garden Club use of the Community Center, based on the their list of dates requested, provided the center is available and doesn't cause conflicts with other rentals. This use is approved at no cost. Helen McAllister is the sponsor of the club and all rules and regulations are to be followed per the rental agreement.

Yes: All
No: None

MOTION CARRIED

k. Approval to Adjourn to Executive Session to Discuss Pending Litigation

Moved by Wiegand, seconded Lorenz, to adjourn to Executive Session to discuss pending litigation after agenda item 13.

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. Amendment to the Zoning Ordinance Defining Total Lot Coverage
- d. Amendment to the Zoning Ordinance Defining Residential Parking
- e. Amendment to the Zoning Ordinance defining attached garage location and dimensions
- f. Security for Ferndale Park, Restroom and Boat Launch
- g. Street and Drainage Project
- h. City Entrance/Identification Signs

There was nothing new to report on these agenda items.

NEWSLETTER AND CABLE INPUT

The Garden Club is looking for new members.

At 10:09 City Council adjourned into Executive Session.

At 11:04 City Council reconvened the regular City Council meeting.

Moved by Lorenz, seconded Maurina, to approve the City Attorney's recommendation to offer to settle both MTT cases based on the information reviewed and Oakland County Equalization's suggestion of a settlement compromise between the two appraised valuations. In the Norwick vs. City of Sylvan Lake, MTT Case No. 0323036, Property ID No. 63-84-18-01-176-004, the City agrees to settle the assessed/taxable value at \$568,750 for the years 2006, 2007 and 2008. In the Stein vs. City of Sylvan Lake, MTT Case No. 0323035, Property Id No. 63-84-18-01-126-014, the City agrees to settle the assessed/taxable value at \$622,100 for 2006, and \$675,930 for 2007 and 2008.

Yes: Maurina, Shepp, Wiegand, Hungerman, Lorenz

No: None

MOTION CARRIED

ADJOURNMENT

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

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 11:05 p.m.

Dennise Clippert, City Clerk