

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, June 11, 2008; opening at 7:35 p.m. Mayor Hungerman presided over the Pledge of Allegiance.

Present: Hungerman, Lorenz, Maurina, Shepp, Wiegand

Absent: None

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

Yes: All

No: None

MOTION CARRIED

### APPROVAL OF AGENDA

Lorenz requested to add Item 11K, to consider the approval of T-Mobile/Augafina Special Land Use request. He stated last month he had questions on this, but since then has had all his questions answered to satisfaction and doesn't believe they should delay this. Wiegand disagreed, stating he wants to discuss it first at a study session.

Moved by Lorenz, seconded Maurina, to approve the City Council Agenda for June 11, 2008, as amended.

Yes: Hungerman, Lorenz, Maurina, Shepp

No: Wiegand

MOTION CARRIED

### APPROVAL OF MINUTES

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

May 21, 2008 Budget Public Hearing

May 21, 2008 Regular Meeting

Yes: All

No: None

MOTION CARRIED

### APPROVAL OF DISBURSEMENTS

Moved by Maurina, seconded Wiegand, to approve the voucher report for June totaling \$151,154.33.

May Payroll           \$ 77,718.94 Check #'s 10666-EFT107  
Accts Pay-May-June\$ 73,435.39 Check #'s 42948-E000000027  
Totaling       \$ 151,154.33

Yes: All  
No: None

MOTION CARRIED

### ACCEPTANCE OF REPORTS

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

### COMMITTEE REPORTS

Marlene Toby announced the Home & Garden Tour is June 21. They still need docents. They would like more residents attending. She asked everyone to tell their neighbors. She stated they are going to have a historical display at Ferndale Beach with lemonade and cookies. You don't have to participate in the tour to attend this.

Helen McAllister communicated the average age of the Garden Club is 65. She stated they need more members and is hoping to get some younger people interested. Martin will have something put in the newsletter.

### BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Marlene Toby asked council to consider a millage proposal, for the November ballot, to replace trees and take care of the ones the city has and to maintain the Community Center property.

#### **CE-001-08**

Toby is concerned with the care of a number of homes, one on Avondale W, Garland, Pontiac Drive and Sherwood. She asked what recourse the city has. Martin explained the process to her. Judy Schwanitz added the house on Avondale W has debris around the house, doors unlocked and food was left in the refrigerator. Martin will discuss with Bibeau as to what can be done with the inside of a house. Toby asked if a lein can be put on the house for the City doing the maintenance. Martin explained, right now the only lein can be for grass and tree cutting; anything else would require an ordinance. He added, the city has to go through the steps and give the property owner an opportunity to correct the problem.

Helen McAllister shared, she is a member of the Pontiac Branch Farm & Garden Club. Before the Community Center was closed down, they use to meet there. They meet the second Monday of each month at noon. There are usually 20 members at each meeting and two members are from Sylvan Lake, the rest are from around the lake. She requested to have the same arrangement with the new center. Mayor Hungerman asked what the fee was. McAllister stated there was no charge. Hungerman informed her they would provide an answer by the July meeting.

Daryl Toby asked what the status of the Community Center is. Martin stated all the drywall is done, the fireplace and chimney and concrete are also completed. They are leveling for asphalt and then they will landscape and tile. They are hoping to open August 1<sup>st</sup>.

Betty Delaney inquired about the fireworks and getting volunteers for putting signs up and cleaning up. Hungerman explained the residents usually clean up the parks and put everything in bags at the street. He then picks up the bags and takes care of them. He agreed to put something in the newsletter and on cable. He asked everyone to spread the word.

Delaney thanked whoever cut the trees on the trail. She shared, she has been working on the trail and feels it puts Sylvan Lake down when it is not taken care of. Martin said it was our DPW that removed the trees.

**CE-002-0**

Delaney expressed she is not happy with the property across from City Hall. Martin informed her it is private property and it will be cleaned up within the next week. He explained when Sam Warwick owned the property, Warwick asked DTE to take the trees down. Then when the street/drainage project took place that is where they stored all the equipment and that is what killed all the grass. Martin stated the city will be putting up posts to deter dumping and put some grass seed down.

CITY MANAGER COMMENTS

Storm Cleanup

Martin acknowledged the DPW did a great job with the storm cleanup and managing the two lift stations.

Mowing

Martin stated mowing of the trail didn't happen and he is not sure why, but it is scheduled again. Also the city will be mowing the first several feet on the property across from City Hall.

Ferndale Restrooms

**PR-004-08**

There are new epoxy floors and newly painted walls with high gloss enamel.

Election

The August 5<sup>th</sup> Primary Election will be at the new Community Center. New cards will be sent to all registered voters.

Tree Planting Program

Several trees have been planted this spring and about twenty more will be planted this summer and fall.

Gates

Park gates will be going up by the end of week.

Storm Water Management

In the process of working on a new ordinance because of new requirements. It is an expensive and very time consuming.

Valerio Gas Station

Used to be the Citgo gas station. Martin stated it will be very nice and some new “first things” for the country, going in there.

CITY COUNCIL COMMENTS

Shepp had no comment.

Wiegand expressed his disturbance with adding T-Mobile to the agenda. He is not sure all the questions can be answered at this meeting.

Wiegand was pleased with the DPW and their cleanup efforts. He was concerned with the Police high speed driving during the power outage. He said they were going 50 mph and had their lights going, but felt that was excessive and someone should talk with them.

Lorenz discussed the planting of the trees on road right-of-way and public property and suggested possibly having a small tax credit for the private sector who participate in this.

Lorenz also agreed the DPW did a great job with the storm cleanup. He stated he also questioned the police speeding. He shared the police officers always have to make quick decisions and sometimes it is a hard judgment call. He understands it was a downed wire.

Lorenz thanked the Home & Garden Tour for their time and effort. He is sure it will be fabulous again this year. He acknowledged all the volunteer groups help the City keep above water.

**P1-008-08**

Maurina suggesting asking the Chief to cover with his officers how to handle an emergency after a storm. She noted the tornado sirens were going off and people were still in the park. She felt the park ranger should have directed residents to get out of the park and take cover. Also she feels the city needs to address residents who haven't started to cleanup from the storm. She agrees with Toby on blight and foreclosed homes; something needs to be done in a more timely fashion. She asked if the city is in the position to pick up limbs. Martin explained how it has been handled in the past. The city picks up what is in the parks and road right-of-way. If something is lying by side of the road they will also pick it up, but that is not advertised. It would be very costly to pick everyone up.

Wiegand asked if the city has an ordinance for grading and drainage going onto neighboring properties. Martin replied, there is and he is aware of the situation in which Wiegand is referring to.

Maurina asked if Martin had a list of trees going in. Martin stated he does.

Hungerman thanked the Home & Garden Tour and hopes they will have a good turnout and good weather.

## **ACTION ITEMS**

### **T-003-08**

#### a. Consideration to Approve E-Commerce Online Payment Services

Clerk Clippert explained for the past few years the city has participated in the paylocaltaxes.com. This allowed residents to pay their tax bills online with a credit card. There was no charge to the city, only to the user. Last year nine residents took advantage of this service. This year the County has changed this service. The service will provide for the use of credit cards and ACH direct debits. There is a \$1200 fee to the city, above the access fee charged to the user. The fee is charged whether the service is used or not. This service can be expanded to use with utility bills, permits, or any other receipt item the city would like. If permits or park tags were used with the service a computer terminal would need to be purchased for the front counter in order to properly calculate the fees and allow usage to residents without internet access. All transactions handled through the internet would not go through the city's cash receipt system and manual journal entries and distribution of funds would need to be made.

Shepp felt the time and cost with this service and the little participation in the past, would not be beneficial for the city at this time. He stated this item has not been budget for.

Moved by Shepp, seconded Lorenz, to no longer to participate in the e-commerce service.

Yes: All

No: None

**MOTION CARRIED**

### **P1-009-08**

#### b. Consideration to Approve Temporary Traffic Control Order-Fireworks

Moved by Lorenz, seconded Maurina, to approve the traffic control order for the July 3, 2008 or July 5, 2008 fireworks, prohibiting parking on any street from noon to 11:30 p.m. as presented.

Yes: Lorenz, Maurina, Shepp, Wiegand

No: Hungerman

**MOTION CARRIED**

#### c. Discussion of Water Rates

Martin stated he didn't have time to prepare anything, but will get something together for the study session.

d. Discussion of Millage Rates **F-004-08**

Martin also asked to have this discussed at the study session. He stated they need to approve language by the July meeting.

Lorenz informed everyone that funds are needed to properly provide services and so things can get done.

Hungerman added the amount and wording will be discussed at the study session and brought to a regular meeting for approval. He shared the city is running \$100,000 over what they are taking in and in order to maintain services a millage of some kind will need to be passed. If nothing is passed, services are going to be lost.

**B-006-08**

e. Consideration to Approve Budget Amendments for Fiscal Year 2007/2008

Martin noted the Community Center Bond is short this year because of lower than expected interest rates on the funds in the bank. \$1,114 will be borrowed from the General Fund. Millage rates were adjusted this next year to receive the appropriate funds to address the shortfall.

Moved by Lorenz, seconded Shepp, to approve the budget amendments for FY 2007/2008 as presented and approve the borrowing of funds from the General Fund to fund the Community Center Bond shortfall when needed.

Yes: All  
No: None

MOTION CARRIED

**L2-007-08**

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

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

Yes: All  
No: None

MOTION CARRIED

g. Consideration to Change June Study Session Date

Council agreed to change the study session meeting date to June 17<sup>th</sup>, at 6:00 p.m.

- h. Consideration to Approve Ordinance 290-Window Sign Regulations **O-002-08**
- i. Consideration to Approve Ordinance 291-Ground Sign Regulations **O-003-08**
- j. Consideration to Approve Ordinance 292-Architectural Standards **O-004-08**

Martin explained these three ordinance have been discussed and recommended by Planning Commission. They are for all non-residential properties. Ordinance 292 is a new section in the zoning code.

Wiegand asked how there can be architectural standards to businesses, but not residential. Martin state Planning Commission did discuss this, but it was not a positive conversation to accept it. Lorenz stated if City Council was interested in exploring this they would have to ask Planning Commission to address it. Martin confirmed that was correct.

Maurina asked where the conditions for Ordinance 290 came from. Martin stated the Planner found examples state wide and locally. They ranged from very strict to very broad. They didn't want the windows to be covered so you can't see in, or to look cluttered.

Lorenz stated he also questioned the 15% and after listening to the Planner explain that a few select words is more eye catching rather than covering the window with a bunch of words. He believes this would be true.

Moved by Lorenz, seconded Wiegand, to adopt ordinance 290-Window Sign Regulations, ordinance 291-Ground Sign Regulations, and ordinance 292, Architectural Design Guidelines, as presented.

Yes: Wiegand, Hungerman, Lorenz, Maurina, Shepp

No: None

#### ORDINANCES ADOPTED

#### **C4-008-08**

- k. Consideration to Approve T-Mobile/Aguaafina Special Land Use Request

Lorenz reviewed Planning Commission gave their approval for this and it was brought before City Council in May and he had some issues with it, but since then has had them resolved. He apologized to Wiegand for not discussing with him or any of the other council members about adding it to the agenda. Lorenz asked Daryl Toby, owner of Aguaafina, how important it would be to get this approved before the July meeting. Toby stated T-Mobile has done their due diligence and worked a lot with the Planners.

Wiegand asked Toby how far the distance is between City Hall and Aguaafina. Toby stated he wasn't sure. Wiegand also asked if a 100' pole was used instead of the 80' pole, if this would change the gap in coverage that is lacking. Toby referred to the engineering grid. Maurina

thought that issue was addressed at the last meeting. Hungerman recalled them saying the taller the tower isn't necessarily optimal; it may be worse. Wiegand asked Martin if he got the engineering drawings. Martin stated they were going to bring them to the study session. Wiegand wanted a non-partial person to look at the drawings for clarification if they could put the tower at the City Hall property. He is trying to help the city get the money before it goes to a private business.

Hungerman knows T-Mobile has been working with the City for the last two years and last three-four months with the Planners.

Lorenz agreed it would nice for the city to get the revenue, but the city doesn't have an ordinance stating cell phone towers have to go on city property and an ordinance can't be created to restrict towers in Sylvan Lake. T-Mobile has already worked with Aguaфина and the city doesn't have a basis to deny a business owner from going forward with this. He doesn't feel the city should prevent a business from making money just because the city didn't have an ordinance to prevent this. Lorenz agreed they should adopt an ordinance addressing these issues soon. Lorenz asked Wiegand what it would accomplish by getting a non-partial person to look at this and asked who was going to pay for it. Wiegand doesn't want to take T-Mobile's word that it can't go on city property.

Toby reviewed that T-Mobile first proposed the City property and found it wouldn't work, then they went to Cadillac Brick and couldn't get an agreement. Then they came to Aguaфина and was able to work out an agreement. He does have an issue if the city were to not approve this because the city wants the revenue after T-Mobile has taken all the proper steps. Martin added prior to Cadillac Brick and Aguaфина, T-Mobile attempted to put it on one of the high tension towers on the trail property in West Bloomfield, but West Bloomfield wouldn't give them enough property for the equipment.

Wiegand stated he is concerned with the view from the trail onto Aguaфина's property. Lorenz suggested letting T-Mobile negotiate something with Aguaфина to screen along the trail.

Shepp stated the business owner wants to work with the city and this request is for a special land use by T-Mobile. They have put a lot of time and effort into this and he feels they shouldn't be delayed. Council can adopt an ordinance addressing the use of city property first, but it wouldn't apply to this application. He agrees it is a good idea to require them to landscape the trail side.

Toby stated he will work with the city on what to landscape with.

Nicole Menuck questioned, what if the property is rezoned. Lorenz stated, high tech fits into the plan.

Moved by Lorenz, seconded Maurina, to approve the special land use request for T-Mobile use of 2629 Orchard Lake Road for the installation of a stealth monopole and utility structure provided that testing of emergency generation equipment would be 8:00 A.M. - 5:00 P.M. Monday through Friday and the backup generating system would be the lowest noise level for that engine size. To require T-Mobile to landscape/screen along the fence, suitable to the City Manager discretion. It would be for T-Mobile to negotiate with Aguafina.

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

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**

Fireworks, volunteers needed for cleanup and putting up signs. Also the Garden Club is looking for new members.

At 9:18 City Council adjourned into Executive Session.

At 10:00 City Council reconvened the regular City Council meeting.

### **ADJOURNMENT**

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

Yes: All  
No: None

MOTION CARRIED

The meeting was adjourned at 10:00 p.m.

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Dennise Clippert, City Clerk