

CITY OF SYLVAN LAKE
REGULAR MEETING
MARCH 14, 2007

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, March 14, 2007; opening at 7:30 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Lorenz, Maurina, Shepp, Conkey, Hungerman

Absent: None

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

APPROVAL OF AGENDA

Martin requested 11H Approval to adjourn to Executive Session to discuss pending litigation, be added.

Moved by Hungerman, seconded Maurina, to approve the City Council Agenda for March 14, 2007, as amended.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

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

February 14, 2007, Regular Meeting

February 27, 2007, Study Session

Yes: All

No: None

MOTION CARRIED

Moved by Hungerman, seconded Shepp, to approve the minutes for February 14, 2007, Special Meeting as submitted.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Conkey, seconded Maurina, to approve the voucher report for March totaling \$189,390.42.

Feb Payroll	\$ 42,637.92	Check #'s 10270-10310
Accts Pay-Feb-Mar	\$143,531.51	Check #'s 41787-41845
Auto Debits	<u>3,220.99</u>	
	\$ 189,390.42	

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Lorenz stated at the Planning Commission meeting last week someone complained about speeders on Orchard Lake Road. Lorenz shared that on the police report 211 tickets were issued on Orchard Lake Road for the month.

Mayor Lorenz received the City Attorney's and DPW's reports for the month of February 2007, and the Police Department report for January 2007, and asked that they be placed on file.

COMMITTEE REPORTS

C3-001-07

Loren Maurina, Cable Representative, announced the Cable Board is going to be deciding if they should spend \$5,000 to hire an attorney to represent the Cable Board and the communities to fight the new cable law. They will be voting on this prior to Council's next meeting. Hungerman asked how many from each community has a vote. Maurina replied, Sylvan, Keego and Orchard Lake each has two representatives and West Bloomfield has six, for a total of 12 members voting. Maurina asked council for some direction and background on this. Council and Maurina discussed some of the new law. Lorenz asked Maurina to gather as much information as he could and to make the decision.

Maurina also informed Council money is available to wire the new Community Center for the ability to broadcast live City Council meetings, if the council so chooses. He still needs to find out what the cost would be to air the meetings. Martin added that the current Community Center has fiber optic cable run in it.

CC-004-07

Lorenz reported for the Community Center advisory committee. He stated the planning committee started meeting in the beginning of December. 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. From that they developed a concept for the building. They did consider a basement versus not having one. Currently they are proposing a 3,000 square foot building with an 800 square foot pavilion, two bathrooms, handicap accessibility, two rooms (one large meeting room and one small one). The building will be slab on grade, unless the Engineers advise otherwise. RFP's for an Engineer and Construction Manager have gone out. 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. The plan will be taken to the Planning Commission for site plan approval and then to City Council for final approval. The out building will be saved for storage space. Some parking will be where the current parking is, but additional spaces will be needed. They are figuring around 90 spaces. A fireplace will be indoors. The pewabic tile was removed and saved and will be used here again. An outdoor fireplace will be available in the pavilion.

Discussion was held whether outdoor burning was allowed. Lorenz stated it would be allowed in the fireplace because it has a chimney on it. Martin clarified, Patrick Riney, came to a meeting last year and stated there are no fires allowed in outdoor above ground fire pits and chimineas. The only outdoor fires allowed are barbeque grills. You can be ticketed if you are found using anything else. Bill Wright argued this, stated the Fire Marshall told Keego Harbor chimineas are allowable. Rick Eriksen added, he believes they are not allowed because of the spark effect. They have nothing preventing sparks from flying. Martin agreed with Eriksen and stated they are not allowed. Lorenz recommended consulting with the Fire Marshall before purchasing.

MaryAnn Smith questioned how many people the center would seat. Lorenz replied, with round tables it would be around 98 people. Smith felt this is not big enough. She feels a small wedding would be 100-125 people. Lorenz stated they will take this under consideration. Maurina added they can only build what the \$500,000 will allow them.

Eriksen expressed he is waiting for the soil boring analysis to resolve the basement issue. He added the overhanging roof and pavilion is an added cost of \$70,000 to the building, which he feels would be better spent for usable square footage for inside. He feels a pavilion is a limited use.

There were no other committee reports.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Mayor Lorenz opened the meeting to the public.

MaryAnn Smith expressed her thoughts on dogs in the park, stating people don't pick up after their dogs now and this would be inviting it into the parks. She added there is a goose roundup to help with the goose problem and she doesn't understand why they want this. She feels it is a health and safety issue.

Smith also commented on the Lakeview dock lawsuit. She wants to make sure everyone gets equal fees.

Smith asked council to take a stand on the outdoor burning. She doesn't want to leave it to interpretation.

She complained about the decibel sound level with ponds. She feels this is a real problem that council needs to address.

Lastly, Smith would like to be able to speak after each item on the agenda. She doesn't know what council thoughts are on the issues, so it makes it hard for her to comment at public comment.

Bill Wright shared that he lives by the boulevard and he feels there is nothing wrong with allowing dogs in the parks. He feels it is a good idea.

Richard Eriksen understands the city is going to be doing some cost accounting for the dock fee. He suggested hiring a CPA firm or a volunteer to do this cost accounting. He added he would volunteer his services, if council would like.

Betty Jocque, 1645 Lakeview, stated she sees loose dogs all the time and people are not cleaning up after them. She feels it is not sanitary.

Nicole Menuck, 2475 Pontiac Drive, disagrees with dogs in the park. She feels it should be a fenced area if they are going to do this. She agreed the rules aren't being followed now.

Norm Denke, 1896 Warwick, feels it is a safety and sanitary issue they would be allowing dogs in a social area. He is not for it.

Nancy Barnett, 1740 Briarcliff, feels it needs to be enforced for leashes and picking up after the dog.

Rick Eriksen feels it is physically impossible to cleanup, all of it, after the dog. He stated you can't predict what a dog is going to do and feels they should not be allowed in the parks.

MaryAnn Smith added, she feels the city would be opening itself up to liability for a lawsuit.

Bill Wright asked if seeing eye dogs would be allowed if the ordinance doesn't allow dogs in the park. Martin stated, they would be an allowed.

There were no other comments

Mayor Lorenz closed this portion opened to the public.

CITY MANAGER COMMENTS

Community Center

CC-005-07

The RFP for an Engineer for Civil work is due tomorrow. The RFP for Construction Manager is due Monday, 2:00 p.m. They are to supply a proposal with costs to address things such as elevation, water problems, parking, storm water management, etc. He feels the RFP was very well addressed. Soil boring results should come in tomorrow afternoon. They will determine if the building can be built in the proposed location, parking lot and driveway.

Plante & Moran

B-003-07

Martin met with Plante & Moran. They will be providing a proposal for a five year plan and water/sewer rates study. This will give council some direction and help them to achieve their goals.

Citgo

A consent agreement has been approved by both parties. They are waiting on final engineering plans and two cross access agreements.

DPW

Martin shared, Bryan Major fell and broke his leg during a water main break. He will be out of work for approximately 3-4 months.

Public Comments

Martin clarified comments have to be limited so business can be conducted. Council needs to hear the public comments before they start their discussion.

Planning Commission Recording Secretary

A-002-07

Martin announced Maxine Davison has recorded the minutes for the Planning Commission for the last 20 years and is retiring. No experience is needed for the position, which is a paid position. The only thing needed is a computer. The city will supply the recorder.

CITY COUNCIL COMMENTS

Shepp feels the Community Center Committee deserves acknowledgment for the work they have done and their efforts to include everything. He stated nothing is in stone yet. They still have to take it to the professionals. He again feels the committee deserves respect and appreciation.

Shepp addressed dogs in the parks and he agrees with both sides. He feels the people disobeying the rules now will continue.

Maurina inquired as to how many dog license are sold a year. Martin didn't know, but stated it is around \$1,000 in revenue. Maurina asked if the five year plan would be that or if it would go further out. Martin replied, just five years. Maurina would like to send a card to Bryan from Council. Martin thought that would be nice.

O-001-07

Hungerman expressed he is thinking of the Community Center park only for allowing dogs. He feels this park has usually older kids, not smaller ones. He would like to see a more aggressive dog ordinance for biting dogs.

Conkey feels if receptacles are in the area it will make it easier to clean up after. Enforcement will be the key thing here and the Chief has agreed to enforce it.

Conkey stated there are dead trees with branches hanging over the road. He asked if the DPW or Police could go around and note the address of those and have a letter sent. He added West Bloomfield has an ordinance which states one warning will be given, after that the Township can take it down and assess it on the tax roll.

Conkey noted reflectors are not allowed and Maplewood has them all over the street. He asked if the DPW could pick them up. Also he asked for the drain covers to be cleaned.

On the Community Center, Conkey reviewed most rentals occur in the summer and he feels a pavilion is good and people can sit outside and look at the lake rather than sitting in a basement.

Lorenz shared at the Planning Commission meeting they held a public hearing for rezoning portions on Orchard Lake Road. He explained there is always going to be someone who doesn't like it. It is the one's that don't have a problem with it that don't show up to express their feelings. Lorenz stated they are trying to draw more residential, commercial, and retail. He asked residents to attend the next hearing to show their support.

SC-002-07

Lorenz communicated West Bloomfield residents are upset that 43% of the students attending their schools are out of district students because of the school of choice. They are asking for a zero growth policy. West Bloomfield residents pay an additional millage for a supplemental tax and their debt is more than the other districts. Lorenz has written a letter to Steve Wasco, West Bloomfield School Community Relations, asking to meeting with them and also asked what the City might be able to do to help them out and explain our city is a dual school district community. Lorenz would also like to have a volunteer to go to the School Board meetings and report to City Council so they know what is going on.

Lorenz reminded everyone there is no spring leaf collection. Everyone should bag any yard waste they have and put it at the curb. April 5th yard waste collection starts.

Lorenz stated he agrees to look into a vicious dog ordinance and he thanked the City Manager for working with Plante & Moran to come up with a strategic plan for future of the city.

ACTION ITEMS

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

O-002-07

Moved by Hunger, seconded Conkey, to adopt ordinance 281 allowing dogs in the Community Center park, east of Pontiac Drive, striking 10-70 (a) (1) Lakeview park.

Yes: Shepp, Conkey, Hungerman, Lorenz

No: Maurina

ORDINANCE ADOPTED

Lorenz explained people are already walking their dogs in the park. He feels it is a reasonable ordinance and he would not allow dogs to be tied up in the park.

Maurina is concerned with cleaning up and wants to make sure they are all licensed dogs, on a leash and the ordinance is enforced. She is concerned with e-coli. She understands the Community Center property is not as close, but still a concern. Also they are about to embark on a new building and it may not be safe for awhile. She expressed she would have a problem with voting for this.

Shepp suggested a minimum fine to get people's attention.

Lorenz questioned a citizen arrest. Chief Silver stated the resident would have to report it to the police and agree to be a witness and go to court if needed, but a resident can't arrest.

Conkey would like to try it and repeal it if it doesn't work out.

Moved by Shepp, seconded Conkey, to amend the prior motion, to add a section for a fine of no less than \$150.00, nor more than \$500.00.

Yes: All
No: None

MOTION CARRIED

Bibeau let council know they could change the violation to a civil infraction instead of a misdemeanor. It would take away the jail time. The officers wouldn't have to advise the violator of their rights.

Moved by Shepp, seconded Conkey, to amend the motion to change to a civil infraction.

Council discussed this. Chief Silver is in favor of a misdemeanor. It gets more attention. It is more severe.

Yes: None
No: All

MOTION FAILED

A2-004-07

b. Approval of Mayoral Appointment to the Board of Review

Mayor Lorenz recommended Scot Storrie.

Moved by Shepp, seconded Maurina, to approve the appointment of Scot Storrie to the Board of Review for a three year term.

Yes: All
No: None

MOTION CARRIED

c. Consideration to Approve Planning Commission Recommendation of the Fence Ordinance

Martin reported Planning Commission has discussed the fence ordinance for the last couple of meetings and recommended no change to the ordinance. The vote was 8 yes, 1 no.

Mayor Lorenz recessed the meeting at 9:27 p.m. for a brief break. The meeting resumed at 9:30 p.m.

Moved by Conkey, seconded Shepp, to follow the Planning Commission's recommendation that the fence ordinance remains as it is.

Yes: All
No: None

MOTION CARRIED

O-003-07

d. Approval to Amend Section 66-3 of the Code of Ordinances

Moved by Maurina, seconded Shepp, adopt Ordinance 282, to amend section 66-3 to state prohibited park on the street between the hours of 2:00 a.m. and 6:00 a.m.

Yes: All
No: None

ORDINANCE ADOPTED

PR-007-07

e. Approval to Purchase Permanent Waste Receptacles for the Parks

Conkey would also like to get the pet waste bags, but without the receptacle. The cost greatly increase with the can.

Moved by Conkey, seconded Shepp, to approve the purchase of permanent was receptacles at a cost not to exceed \$4,000.

Yes: All
No: None

MOTION CARRIED

C-006-07

f. Approval of Agreement for Engineering Services for the Community Center

Martin stated he did not open the bids today. One of the bidders called with an emergency and asked if they could provide it tomorrow morning. Council agreed this was ok. Martin asked for approval to have the Mayor and himself open the bids and to award one. Mayor Lorenz asked if someone else on council could because he knows one of the bidders and doesn't want to cause a conflict of interest. Councilman Conkey stated he would.

Moved by Maurina, seconded , to allow the City Manager and Councilman Conkey to open the bid proposals for engineering services and make a decision to approve one.

Yes: Yes
No: None

MOTION CARRIED

CC-007-07 R2-007-07

g. Approval of Reimbursement Resolution for Community Center Bond

Moved by Hungerman, seconded Shepp, to approve the resolution declaring intent to reimburse and authorizing preliminary actions related to the proposed issuance of Tax-exempt bonds.

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

RESOLUTION ADOPTED

h. Approval to Adjourn to Executive Session

Moved by Shepp, seconded Hungerman, to approve adjourning to executive session to discuss pending litigation, after newsletter and cable input.

Yes: All
No: None

MOTION CARRIED

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-006-07**

Martin provided he has had several discussions with the DEQ and attorney on this issue. He sent in the application for the DEQ to look at. They held a meeting in-house and informed Martin a formal application will need to be made. They gave no indication which way they are going on this. Martin asked the DEQ to allow the city to operate the docks, as they have for the last 60 years, during this year. They agreed as long the application is in process. Martin reported an appeal has been filed for the existing Community Center spaces which was included in the prior application for the additional spaces. This appeal is on hold for now.

NEWSLETTER AND CABLE INPUT

The following items should be put in the newsletter, a clear indication of which park dogs will be allowed in. They must be licensed, leashed and pickup after or the penalty will be a minimal \$150. Also include “no driving” in the park for installing docks.

The meeting adjourned to executive session at 9:50 p.m..

City Council came out of executive session at 10:30 p.m.

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting was adjourned at 10:30 p.m.

Dennise Clippert, City Clerk