

CITY OF SYLVAN LAKE
REGULAR MEETING
MARCH 12, 2008

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, March 12, 2008; opening at 7:30 p.m. Mayor Hungerman presided over the Pledge of Allegiance.

Present: Shepp, Wiegand, Hungerman, Lorenz
Absent-Excused: Maurina
Also Present: City Manager Martin, Clerk Clippert and City Attorney Bibeau

Moved by Lorenz, seconded Shepp, to excuse Maurina's absence.

Yes: All
No: None

MOTION CARRIED

APPROVAL OF AGENDA

Moved by Lorenz, seconded Wiegand, to approve the City Council Agenda for March 12, 2008, as presented.

Yes: All
No: None

MOTION CARRIED

APPROVAL OF MINUTES

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

February 13, 2008 Regular Meeting
February 28, 2008 Special Meeting

Yes: All
No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Lorenz, seconded Wiegand, to approve the voucher report for March totaling \$281,181.03

Feb Payroll	\$ 54,056.81	Check #'s 10616-EFT73
Accts Pay-Feb-Mar	<u>\$227,124.22</u>	Check #'s 42669-E000000021
Totaling	\$281,181.03	

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Bibeau reported discussion continues between Gaylen Curtis and the City regarding the Lakeview litigation. The City rejected the case evaluation for the Sherrod case. The City has filed a motion for summary disposition, which is scheduled for April 23, 2008. Lorenz clarified the City took the recommendation of the insurance company to reject the case evaluation. If the City was to settle the insurance company would be paying it.

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

COMMITTEE REPORTS

Dan Allread, reported the Sylvan Lake Shuffle is April 12th. They are looking for sponsorship. He handed out entry flyers which has their website address.

Eric Wiegand reported for the Home & Garden Tour. The tour will be June 21st. A banner is going to go across Orchard Lake Road advertising it. They need four sponsors for the banner. Funds raised for tour will go towards the Community Center kitchen or landscaping. They are hoping to raise around \$8,000 this year. They have raised \$35,000 to date.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

CC-002-08

Jan Hays stated she spoke with Rob Galacz regarding the opening of the Community Center and he told her it would be in July, but he could not tell her if the landscaping would be in because he is not handling that. She needs to know because she is about to order her wedding invitations and needs to make sure there will be grass where the tent is going. Martin stated Mike Grasser is working on a landscaping plan. They will need to grade the property and make sure it is draining properly. He stated grass can be expected to be in by July. Hays asked about the area between the pavilion and tennis court and asked if it would be a leveled area. Martin stated it probably will have a retaining wall. Hays also questioned the time for outdoor events. She was told events couldn't be outside after 11 p.m. She feels in the summer this is too early.

Helen McAllister asked if the City was going to participate with West Bloomfield for the spring Household Hazardous Waste Collection. Martin stated the City will be participating. McAllister stated there are seniors who would like to participate but can't lift items or take them over. She

was wondering if there was someone with a van or truck that could help seniors. She stated she is willing to pay for the service. Martin will put something in the newsletter.

BD-003-08

Mark Preston stated he went into City Hall yesterday to renew his dock space and he was told he had outstanding taxes he would have to first pay at the county. After paying the taxes he came back to city hall and they told him he couldn't renew his space. Martin replied, March 1st was the due date. Preston explained he stopped at City Hall in early February and Joni told him he had back taxes due. He is a supplier for the big three and he is owed a lot of money. He just got paid on Monday and Tuesday came in to renew the boat dock space. Martin stated it needs to be decided if they are going to stick to the March 1st date, or are they going to make an exception for these kind of things or not. Preston provided a copy of his bank receipt showing the deposit of the check he was waiting for. Council agreed no action would take place right now. They need to discuss this at a study session.

Jan Hays agreed some type of special circumstance needs to be allowed.

C4-003-08

Mike Zubrycki inquired on the status of the DTE property. He stated it continues to be a problem although it has been quieter in the evening hours. It is still noisy from 4-5 a.m. He asked if any communication has taken place with them. Also he understands there is a proposal to move. He also heard they are moving transformer storage. Martin stated he met with DTE today and they are looking to move and it has been approved. They want to move but it may take 1-2 years. The move of the transformer storage area is Federally mandated. The EPA doesn't want them on solid surfaces because if something leaks or breaks, it goes right into the storm drain and into the water. It has to go before the Bloomfield Twp. Planning, and Zoning Board of Appeals. Nothing has been scheduled yet. Martin also stated he has been in contact with Mike Palchesko and supposedly that is why the noise is less. Zubrycki asked if DTE had been given a copy of the petition. Martin stated they have not, but he would discuss with Bibeau how to best use it. Zubrycki would still like to see an anti-idling ordinance adopted. He feels it would be a step in going "green", protecting the environment, saving fuel and also sending a good message to the residents.

CITY MANAGER COMMENTS

Citgo

C4-004-08

Martin explained Citgo is having a problem with the brick span between the gas pumps. It is a long span between the pumps; the brick is not working there. The brick is not a standard residential size. They will have brick between the columns above the pumps, but would like to eliminate the span between the pumps. Martin ran this by McKenna, City Planners, and they agreed with it. Also they would like to put a steel roof on the pitched roof of the awning. Martin feels that would be great. He asked council what color they would want it to match to, grey the color of the other roof or the color of the brick. Wiegand would like the grey. Council agreed.

Moved by Lorenz, seconded Wiegand, to allow Citgo developers to delete brick between the large span between the pumps and use the metal seam roof above the pump, with the color being grey to match the existing shingles.

Yes: All
No: None

MOTION CARRIED

Planning Commission Update

ZP-001-08

They are working on amending the sign ordinance for Commercial Industrial. They are proposing, requiring monument signs. Martin believes it is 6' maximum height and 30 square feet. They will be holding a public hearing in May. Information on this will be in the newsletter. Also at this hearing they will discuss architectural standards and using a scoring system.

Community Center Dedication

CC-003-08

Marlene Toby has been asking Martin for a date for the dedication ceremony. She has talked to the Garden Club about changing the date of the Ice Cream Social if the center is not ready. Helen McAllister stated the Garden Club is flexible with the date. Council agreed a date can't be set right now and stated the dedication could take place with the Ice Cream Social.

CITY COUNCIL COMMENTS

Wiegand announced a resident on Rosedale was foreclosed on this week and whoever changed the locks put all of the resident's personal property out into the driveway. He feels the city should have been notified of this and they should have to clean it up within a certain number of days. Under the blight ordinance they would have a month to remove it. Wiegand doesn't feel neighbors should have to look at it that long. Bibeau stated if it is a health/safety issue then they could make them clean it up quicker.

Wiegand shared Helen Jane Peters has been working on the historical aspects of the city. Wiegand would like to have some pictures on a wall of the Community Center. He asked if they could discuss this at a study session.

Shepp had no comment.

Lorenz thanked the Community Center Rental Committee for their hard work on the rules and regulations. He also has a request to refurbish the basketball courts. He would like to see backboards put on the tennis court and used as a dual use.

Wiegand asked if there is money in the budget for fixing the bridge. Martin stated there is, but they decided to wait because of the construction of the Community Center.

Hungerman expressed the Community Center is moving along well and he is glad to come to a meeting and not have it dark out.

ACTION ITEMS

a. Consideration to Approve Community Center Rental Policy CC-004-08

Martin reviewed the changes council discussed at the study session and provided a brief summary of the rules and regulations. He stated closing time for outdoors events is 11:00 p.m. and 1:00 a.m. for indoor events. Wiegand felt it could be left up to the City Manager to extend the time if someone asked. Hungerman stated he is opposed to changing rules on the spot. They discussed this policy at length at a study session. Lorenz agreed. Shepp also agreed with Hungerman and felt this could be addressed later at a study session if necessary.

Moved by Lorenz, seconded by Shepp, to approve the Community Center Rental Policy as recommended by the Community Center Rental Policy Committee, as submitted.

Yes: All
No: None

MOTION CARRIED

Martin asked to change No. 6 to strike out “No loud music and”. He stated he would never approve loud music outdoors.

Moved by Lorenz, seconded by Wiegand, to strike out “No loud music and” from No. 6 of the Community Center Rental Policy.

Yes: All
No: None

MOTION CARRIED

b. Consideration to Approve Amendment to Fee Schedule A-002-08 ZP-002-08

Martin explained two fees need to be changed on the Clerk’s fee schedule, NSF charge and cost of publication for public hearing notice for variance requests. He would also like to change the application due date for variance requests to be due 30 days prior to the date of hearing.

Moved by Lorenz, seconded Shepp, to approve the amendments to the Clerk's fee schedule for NSF checks and the cost of publication for public hearings for variance requests as presented. Also to change the application due date for a variance request to state that the application, supporting documents and fee must be submitted at least 30 days prior to the date of hearing.

Yes: All
No: None

MOTION CARRIED

c. Set Budget Study Session Dates

Martin stated he won't be here for the March study session and he would like to setup some dates to discuss the budget. Wiegand stated he will be gone most of April. Martin stated he will get with him separately to discuss the budget. Council agreed to March 19th at 6:00 p.m. and April 9th prior to the City Council meeting.

L2-002-08

d. . Consideration to Adjourn to Executive Session to Discuss Lakeview Litigation

Moved by Shepp, seconded Lorenz, to adjourn to executive session to discuss the Lakeview litigation after 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

Household Hazardous Waste Collection and seniors need helper/driver for collection.

At 8:47 City Council adjourned into Executive Session.

At 10:23 City Council reconvened the regular City Council meeting.

Martin informed council of a request City Hall got from a taxpayer who had the Transfer Penalty levied on their tax bill. He read the residents letter of request and stated as of today they still haven't filed the transfer affidavit. Council felt it is the responsibility of the closing company to inform the purchaser.

Moved by Lorenz, seconded Shepp, to deny the request for reimbursement of \$200 for failure to file their transfer affidavit.

Yes: All

No: None

MOTION CARRIED

ADJOURNMENT

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

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 10:25 p.m.

Dennise Clippert, City Clerk