

CITY OF SYLVAN LAKE  
REGULAR MEETING  
MARCH 10, 2010

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, March 10, 2010; opening at 7:32 p.m. Mayor Pro Tem Maurina presided over the Pledge of Allegiance.

Present: Maurina, Meskin, Wiegand, Zubrzycki

Absent: Lorenz

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

Yes: All

No: None

MOTION CARRIED

APPROVAL OF AGENDA

Zubrzycki request item 11B be moved to A and A be moved to B.

Moved by Wiegand, seconded Zubrzycki, to approve the City Council Agenda for March 10, 2010, as amended.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Zubrzycki corrected the regular meeting minutes, page 5, 5<sup>th</sup> sentence. It should read, Zubrzycki agreed with Meskin that a boat should not be required, but understands the concern that only residents owned watercraft occupy the space.

Moved by Meskin, seconded Wiegand, to approve the following meeting minutes as amended.

February 10, 2010, Regular Meeting

February 25, 2010, Study Session

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Meskin asked if the pump station repairs are complete or if they would be seeing any more bills for this. Martin stated it is finished.

Moved by Zubrzycki, seconded Meskin, to approve the voucher report for March totaling \$140,211.18.

Feb Payroll	\$ 41,562.77	Check #'s 10961-10967
		DD756-DD794
		EFT326-EFT336
Accts Pay-Jan-Feb	<u>\$ 98,648.41</u>	Check #'s 44571-44629
Totaling	\$140,211.18	E0000000110-E0000000114

Yes: All

No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Pro Tem Maurina received the City Attorney report for the month of February 2010, and the Police Department report for January 2010 and asked that they be placed on file.

COMMITTEE REPORTS

Wiegand reported the Home and Garden Tour is looking for advertisers.

Zubrzycki covered for Patrick Runk stating the Parks and Recreation Committee raised \$100 with the Euchre Tournament and movie night donations. They used the money to make signs to support future events.

Helen McAllister announced the Garden Club evening meeting is Thursday, March 18<sup>th</sup> at 7:00 p.m. They are having a speaker talk to residents about vegetable gardening. Also she stated the spirea bushes at Memorial Park, in the front garden needs to cut back before the end of April. Patty Harrop volunteered to do this.

Maurina stated the Parks and Recreation Committee is making plans for the year and need additional people involved. The Sylvan Shuffle is May 1<sup>st</sup>. They have a new course this year. Maurina asked everyone to share their ideas with the Park and Recreation Committee.

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

Megan Rogers spoke in regards to the noise ordinance. She lives adjacent to DTE and feels the city really needs to do sound and pollution checks. It is beyond comfort for living. She asked council to approve the expense for a sound engineer.

Brian Etter stated for the last three years he filed complaints with West Bloomfield 14 times. Tuesday nights are the worst. They repair trucks on this night, usually between 10:30 -11:00 p.m. Trucks are still coming down Avondale going to Pontiac Drive to go in the back entrance. They have to wait for someone to open the gate. There can be a backup of trucks, three deep.

Mike Rammel supports hiring a sound engineer. He had a noise issue with a muffler and an idling car in the past. He was told the nuisance ordinance covered it, then it wasn't enforceable. He appreciates Zubrzycki's work on this ordinance. He feels the police need the tools to handle the problem.

MaryAnn Smith is empathetic to these residents and she is worried the Boards are not hearing the residents. It is not about the numbers. An ordinance needs to support the objective side and also so there is a comfort zone.

Bloomfield Township resident Geof Burt lives across Orchard Lake Road from DTE. Stated the noise is randomly at night between 3-4 a.m., sometimes it's 10 p.m. He stated it is hard to get back to sleep once awoken by this loud noise. He supports the ordinance.

#### CITY MANAGER COMMENTS

HHW

West Bloomfield Twp is again hosting the Household Hazardous Waste event May 1<sup>st</sup> and Oct 9<sup>th</sup>.

Details are similar to as in the past. More information will be provided as the city receives it.

#### Goose Roundup

Al Payson will again be handling the roundup and nest destruction.

#### Census

A notice was sent out this week from the federal government as a reminder to fill out the census which is to be delivered next week. Martin stated it is important to get an accurate count for funding for the city.

#### Detroit Water/Sewer Contract

#### **WA-001-10**

Martin and City Attorney Bibeau met with Detroit Water today and will be meeting again in a couple of weeks. There are things the city can do to lower our water rate. Adopt an ordinance for regulating watering times with allowing automatic sprinklers only to be used from 9 p.m. - 6 a.m.. They discussed getting the water tower back online. There are new people at Detroit Water and they are willing to work with the city.

#### CITY COUNCIL COMMENTS

Zubrzycki will save his comments for agenda items.

Meskin stated the city has a nuisance ordinance. He asked Martin if it is enforceable. Martin stated it is subjective and that is why they are working on a noise ordinance to get some objective things. The nuisance ordinance is enforceable.

Zubrzycki stated back in 2007 he and many residents asked City Council to have the nuisance ordinance enforced. The police stated they needed an objective way to enforce the ordinance. The nuisance ordinance is ineffective for problems facing residents.

Wiegand shared at the last Parks and Recreation meeting they said there is a new product, all natural, for spraying lawns for geese. He would like to research this if it helps keep them away. Martin will check it out. He acknowledged we have used similar products in the past and usually the product washes away when it rains.

Wiegand questioned the water tower and if it is sufficiently clean for use. There is probably rust from not being used. Martin informed him inspections are up-to-date. The inside is lined. There may have to be some work done to it.

Wiegand stated the roads are in bad shape after the winter. In front of the Boat Club it is bad with holes. Martin asked if it is their driveway approach. Wiegand didn't know. Martin will look at it.

Wiegand would like to get new waste containers. He thought the Garbage and Rubbish Fund could pay for them. Martin stated this was discussed at the study session and they picked out what they liked. He would like to do something this in the spring. He needs to get some numbers. Wiegand would like to know the longevity of cement verse's steel.

Maurina had no comment.

## **ACTION ITEMS**

### **O-001-10**

#### **a. Approval to Hire a Sound Engineer to Assist in Completion of Noise Ordinance**

Martin reviewed, the Planning Commission has been discussing the noise ordinance for a year. There have been good discussions, but he feels they have gone as far as they can with it. DTE brought in their own sound engineer to the last Planning Commission meeting and gave their comments on the proposed ordinance. They said it is way too subjective and not enough objective. Martin feels it needs a good balance and agreed some things you can't put a number on. The next step, if City Council is serious about this, is to get a sound engineer to review the ordinance, what our goals are and provide their pros and cons.

Wiegand asked if there are residents suing DTE. Zubrzycki acknowledged there are. They are in the discovery phase. He feels this should not preclude the city from doing what is right.

Maurina feels it will put pressure on DTE to do what is right. Martin added if they would do what they said they were going to do then it would have helped the problem.

Maurina feels there is no sense in creating an ordinance to find out the city didn't do enough with the ordinance. She asked if a Planner and noise specialist are really needed. Martin recommended they bring the Planner in at the end if necessary, after the sound engineers look at it. Maurina wants to make sure it addresses the city issues as well as what may come up in the future.

Wiegand asked who is going to cover testing when the ordinance is in place. Zubrzycki stated they have explicit examples of prohibited acts where sound testing is not needed, just a visual. He doesn't want to get caught up with how the enforcement is going placed.

Meskin asked if Bloomfield Twp. has a sound ordinance. Zubrzycki stated they do. Meskin inquired as to how much of DTE is in Bloomfield Twp. Zubrzycki stated 80%. Meskin asked if they have issued any tickets. Zubrzycki replied, they have taken the position to not enforce their ordinance at this time. Maurina added the city has tried to work with Bloomfield Twp.

Zubrzycki asked Bibeau if someone stands in another jurisdiction and tosses garbage into another community, is that okay? Because that is what DTE is doing with the sound, pollution and vibrations. Are there enforcement rights? Zubrzycki feels it is the Twp Supervisor who is the problem, not the police. The police have been empathetic and responsive when called.

Meskin asked Martin if he is working with DTE to rectify the problem. Martin confirmed he has been talking and meeting with them on a regular basis. If management is doing what they say it is not being passed down to the employees and being enforced. Martin notifies DTE every time he hears something has occurred. Maurina acknowledged Martin and Zubrzycki have tried to work with DTE for the last 2-3 years.

Zubrzycki stated he spoke with Mayor Lorenz regarding this matter and Lorenz supports the motion and feels a quality of life needs to be provided.

Meskin feels they are running into a brick wall. He is concerned with a lawsuit being filed against the city. Zubrzycki stated they can challenge the constitutionality of it, but if the city has an ordinance in place then they will have to abide with it.

Meskin respects the need for a professional to help with this. He asked Bibeau if there will be an expense once tickets are issued. Martin stated it is just like any ordinance violation issued. Zubrzycki expressed, if they have a well-written ordinance, it will help.

Wiegand asked if other communities with sound ordinances have problems with a utility company. Zubrzycki stated they are no different from any other company.

Zubrzycki shared, he went to the County and got the original deed for his property. It was 1927.

DTE's deed was 1931, four years after the residential property was there.

Mike Rammel stated you can't just focus on DTE. There are other areas in the city too.

Maurina stated everyone on council has sat on Planning Commission and knows there is a problem with some ordinances. They are at a point where they need outside help to address all issues. Martin acknowledged they probably spent more on a Planner for the playstructure ordinance.

Wiegand wishes he knew the true cost. He doesn't like voting without seeing quotes on cost and what it will cover. Zubrzycki stated a noise consultant spoke at the Planning Commission meeting and estimated it would cost around \$4,000. They have to deliver an enforceable ordinance.

Wiegand asked how much the equipment will cost. Zubrzycki replied, he has looked at some meters and they vary from \$1,000-\$3,000. He and some others may donate toward it.

Moved by Zubrzycki, seconded Wiegand, to approve the City Manager spending up to \$5,000 for a sound engineer to review the draft noise ordinance and provide recommendations.

Yes: All

No: None

**MOTION CARRIED**

**CC-005-10**

**b. Approval of Community Center Policy - Fees for Use Types**

Martin reviewed the discussion from the study session and stated Meskin's recommendation for language is provided in Martin's communications.

Maurina asked what the difference is. Zubrzycki agreed he doesn't see much difference. Martin stated it is more spelled out with Meskin's.

Meskin feels the first line is too constrictive. He would like to strike the first sentence and start

with “If a person...”

Moved by Meskin, seconded Wiegand, to approve Category VI of the Fees for use types for the Community Center as amended by the language which Meskin provided and striking the first sentence.

Yes: All

No: None

**MOTION CARRIED**

Wiegand asked what the difference is from one fund raiser versus another, such as Sylvan Shuffle compared to Home and Garden Tour. Martin agreed he is confused also. He stated the Parks and Recreation Committee is under the city. Wiegand stated this has created animosity with the Home and Garden Tour members. Martin explained there are two differences he sees. The Parks and Recreation activities are for the city. The Home and Garden Tour is separate from the city. Wiegand thought the Sylvan Shuffle is using the Community Center for their meetings. Patty Harrop said, there was a meeting for the Stewards and the Sylvan Shuffle group attended it for 15 minutes, otherwise they have not used the center. Wiegand doesn't know why they are having all these classifications. Harrop reviewed, it is to offset the costs. There is a cost just to open the building, for heating/cooling and utilities, whether it is a meeting or event. Zubrzycki asked if they can discuss this at a study session.

c. Approval of Dates for Annual Fireworks      **C5-001-10**

Moved by Meskin, seconded Wiegand, to approve July 4<sup>th</sup> as the date for the annual fireworks with a rain date of July 9<sup>th</sup>.

Yes: All

No: None

**MOTION CARRIED**

**CC-006-10**

d. Discussion of Community Center Rental Options for July 4 Fireworks

Maurina reviewed what they did last year and things they could do, putting the use of the community center up for bid. They could advertise it as a private venue with parking, use of the building and excellent view of the fireworks. Wiegand feels this won't work unless they spend money to advertise it. Maurina added they could also allow a rental at the regular fee instead.

Zubrzycki suggested they discuss this at the study session and send an evite for suggestions. Wiegand offered it could be used for a citywide party.

Moved by Wiegand, seconded Meskin, to table to study session.

Yes: All

No: None

MOTION CARRIED

**A2-001-10**

e. Mayoral Appointment of Dock Committee Members for a one-year Term

Mayor Pro Tem Maurina recommended the reappointment of Rob Galacz, Rob Conkey, Patty Harrop, Jim Bull, Richard Pfeffer and Mitch Black to the Dock Committee for a one-year term expiring December 31, 2010.

Zubrzycki asked if going forward an announcement be made regarding a committee's openings. He would like the public to have the opportunity to know of a committee opening and have the opinion to apply. He stated there is still one opening left and asked if this could be announced. Martin will do this.

Moved by Wiegand, seconded Meskin, to approve the Mayor's Appointment as stated.

Yes: All

No: None

MOTION CARRIED

**A2-002-10**

f. Mayoral Appointment of the Board of Review for a Three-Year Term

Mayor Pro Tem Maurina recommended the reappointment of Sean Kelly to the Board of Review for a three-year term ending January 31, 2013.

Moved by Meskin, seconded Wiegand, to approve the Mayor's Appointment as stated.

Yes: All

No: None

MOTION CARRIED

**R2-005-10**

g. Approval of Resolution Establishing OPEB Holding Account with MERS

Martin explained this resolution sets up MERS as the third party to handle our money for the OPEB (Other Post Employment Benefits). The city still has the ability to decide how much money will be put into the account. It is required to have the funds with a third party. The money will be safe from lawsuits.

Zubrzycki is concerned with .45 basis points for managing the fund. Zubrzycki asked what the city is being charged for managing the pension fund. Martin wasn't sure. Zubrzycki asked if this is for one year or if there is a term.

Zubrzycki asked if the resolution could be approved, but to hold off giving them any money until more questions are asked.

Moved by Meskin, seconded Zubrzycki, to approve the resolution adopting the MERS Retiree Health Funding Vehicle

Yes: Wiegand, Zubrzycki

No: Maurina, Meskin

MOTION FAILED

**R2-006-10**

h. Approval of Resolution for State Representatives to protect local Road Funding

Moved by Zubrzycki, seconded Wiegand, to approve the resolution to protect local road funding as presented.

Yes: Meskin, Wiegand, Zubrzycki, Maurina

No: None

RESOLUTION ADOPTED

**R2-007-10**

i. Approval of Resolution for State Legislators to Increase Local Road Funding

Moved by Zubrzycki, seconded Wiegand, to approve the resolution for State Legislatures to increase local road funding as presented.

Yes: Meskin, Wiegand, Zubrzycki, Maurina

No: None

RESOLUTION ADOPTED

**NON-ACTION ITEMS**

- a. Appointment of Parks and Recreation Committee members
- b. Security for Ferndale Park, Restroom and Boat Launch
- c. Community Center Parking Lighting
- d. City Identification Signs
- e. Appointment to the GWBCAB for a three-year term
- f. Discussion of RVA space rental to non-residents
- g. Noise Ordinance
- h. Discussion of Advertising Community Center Rental to public

There was nothing new to report for these agenda items.

NEWSLETTER AND CABLE INPUT

There was no input.

ADJOURNMENT

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

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 9:26 p.m.

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Dennise Clippert, City Clerk