

CITY OF SYLVAN LAKE  
REGULAR MEETING  
MAY 9, 2007

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, May 9, 2007; opening at 7:52 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Conkey, Hungerman, Lorenz, Maurina

Absent: Shepp (excused)

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

APPROVAL OF AGENDA

Mayor Lorenz removed item 11A. They are still waiting for more information and would like to put it in the newsletter.

Moved by Hungerman, seconded Maurina, to approve the City Council Agenda for May 9, 2007, as amended

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Maurina corrected the regular minutes on page 6, Newsletter and Cable Input. The forth line where Maurina asked about “ads” for the electronic newsletter, not “legal ads”.

Moved by Conkey, seconded Hungerman, to approve the minutes of April 11, 2007, Regular Meeting, as amended and the April 24, 2007, Study Session as submitted.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Maurina, seconded Hungerman, to approve the voucher report for May totaling \$181,468.97.

Apr Payroll	\$ 36,692.60	Check #'s 10375-10409
Accts Pay-Apr-May	\$142,410.66	Check #'s 41901-41959
Auto Debits	<u>2,365.71</u>	
	\$ 181,468.97	

Yes: All  
No: None

MOTION CARRIED

### ACCEPTANCE OF REPORTS

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

### COMMITTEE REPORTS

Judy Schwanitz reported for the Home and Garden Tour. The tour will be June 16<sup>th</sup>, from 10 am to 4 pm. She would like to see more residents attending. They get a lot of outside people, but would like to see more residents supporting it. Tickets are \$10, \$15 the day of the tour.

Lorenz reported for the Community Center Committee. They meet on Wednesdays at 4:00 p.m. They are working through plans and budget. The plan that they are currently looking at is a 3000 square foot building, with a possible pavilion, on a slab or crawl. They are still working on getting costs.

There were no other committee reports.

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

Mayor Lorenz explained that if the public wants to comment on the agenda items, City Council will be taking action on the Action Items and he gave a brief description of each. Mayor Lorenz opened the meeting to the public.

#### **C4-002-07**

Mike Zubrycki, 2063 Avondale, wants to make residents aware of what is going on at the DTE center because it is having a huge effect on the adjacent properties. Trucks are running all night, there are vibrations, extra large trucks and fumes are some of the things which started happening since last December and this is having a detrimental effect to the quality and the people who are living next to there. He asked residents to pay attention to what is going on over there.

Mike Barron, 2085 Avondale, added the noise level has increased so much since last year it is uncomfortable to go outside. They had a meeting with DTE and they told them they would scale down on the noise, but it has only become worst. They are almost belligerent. He heard a nuisance letter is being drafted and he asked City Council to consider it. He also asked if council could get them to move the huge trucks and generator.

Ron Barnett, 1740 Briarcliff, he noted there is no stop sign at Gate 5, Pontiac Drive. They run right out onto Pontiac Drive without stopping. He informed the City of this and he was told the city can't do anything about it. Mayor Lorenz stated he was informed wrong. The city can't do anything themselves, but we can call Bloomfield Township and ask them about it.

Tim Upchurch, 2075 Avondale, shared that the trucks are now making an extra loop around the back and yelling obscenities at him too.

Mayor Lorenz stated the City is drafting a letter and pursuing this actively. The one challenge is DTE is mostly in Bloomfield Township, only a small section is in Sylvan Lake. He congratulated Mike Zubrycki on all his work he has done on this. Lorenz stated DTE is asking for a variance for a shed area and a second variance from Bloomfield Township. Lorenz encouraged everyone to attend the hearing at Bloomfield Township and voice their concern.

Mary Ann Smith asked if the Bloomfield Township meeting could be put in the newsletter.

Judy Schwanitz suggesting writing a letter to the President of DTE right away. She did this and her problem was taken care of.

Ron Goldman shared he has contacts at DTE and he is sure he could get them to come to a City Council meeting. Mayor Lorenz replied, that is an excellent idea and what he would like them to do is meet with Calvin Cupidore, Assistant Superintendent for Pontiac Schools. The Pontiac School District is planning on selling some land and what they have talked to DTE about is trying to work out a situation with Pontiac Schools, where they package their land together as one parcel and then DTE move to one of the vacant parcels that Pontiac Schools has and the Pontiac Schools generates the revenue.

Betty Delaney thanked everyone who showed up for the beach cleanup. She asked that July 3<sup>rd</sup>, fireworks be "Resident Appreciation Day", where residents don't have to have a tag to get into the park for the day. The city opens the park to non-residents at 5:00 p.m. She asked if the new signs for the beach would be up soon. Martin stated they just picked them up this morning.

Delores Goldman asked what the rule is going to be for parking for the fireworks. She is in favor of parking on the streets. She also understands the problem both ways. Lorenz stated it will be addressed on the agenda next month. Goldman asked if the placement of the driveway for the new Community Center would be shown next month. Lorenz stated they have been discussing this and they are trying to work it out so traffic doesn't have to pass any home when going in or out of the center.

Mary Ann Smith noted in the newsletter under the calendar, the time was incorrect for the zoning board meeting. It shows 7 pm and the meeting started at 6:30 pm. The time was correct in the body of newsletter. She feels the variance shouldn't have been granted. The homeowner should have built the house to including parking. She complained about her neighbor's pond running 24 hours and the noise level it creates. She feels this is becoming an issue in the city. She has spoken with her neighbor four times.

Helen McAllister announced June 9<sup>th</sup>, from 10-noon will be the annual Plant Exchange at Memorial Park. She asked if the ordinance was changed to allow trash out earlier. Martin stated it was approved to allow trash to be put out at 5:00 p.m.

Duane Wright, 1501 Avondale, came to lend his support with the DTE problem. Lately he has noticed increased truck flow on Avondale. They are coming in off of Inverness and turning down Avondale and going out Pontiac Drive. He works at home and sees it all day long. He thought there use to be "No Heavy Trucks" signs on Pontiac Drive. Martin stated the only weight limit is on the bridge. Wright also asked the city to monitor the work Consumers Power is doing. They haven't repaired his yard or driveway yet. He was wondering if he could get any help to complete the work. Martin stated the biggest thing everyone can do is call. If they get a enough people complaining then they will respond, otherwise they won't.

**C4-003-07**

David MacGillis agreed Consumers Power dug across the street from him last year and they still have not repaired it. MacGillis thanked Mike Rutt, Bloomfield Township resident, for coming and supporting our residents in the noise issue with DTE.

MacGillis stated he spoke with the Chief a month ago regarding Harley drivers removing the bafflers from their mufflers on their motorcycles. He stated they can be ticketed for doing this.

MacGillis again stated his feelings on letting residents talk on each item as City Council is discussing them, not before hand at public comment.

Ron Goldman asked for clarification on where dogs can go in parks, when walking them and where can they swim. Martin stated they can swim at the boat ramp and over at the bridge. Goldman asked about walking dogs on Ferndale and Lakeview because they are walking them on the property owners lawn. He asked about taking a dog to their boat. Lorenz stated you can walk your dog on a leash to the boat. Goldman didn't understand why dogs aren't allowed to be walked in the park and swim. Goldman asked who owns the property on Lakeview. Martin stated it is treated as park property. Conkey added dogs can swim at the kayak storage area by the bocce ball courts.

Jim Cowper asked for clarification on the noise ordinance and if the city is limited to enforcing the ordinance since DTE is mostly in Bloomfield Township. He asked what times are allowed. Martin replied, the city doesn't have a noise ordinance, it is a nuisance ordinance. The problem with a noise ordinance is that it is very specific in that things have to be over a certain number of decibels for a certain amount of time. A nuisance ordinance is a little more broad to determine what a nuisance is. It is what the city is writing the letter under, is the nuisance ordinance. The city is working with Bloomfield Township to resolve the issue. They are getting conflicting answers on how much their business has increased. Martin clarified there is an ordinance which states times that construction is not allowed before 7:00 a.m. and not after 7:00 p.m. There are always provisions for emergency situations. This provision is if there is a power outage in the middle of the night, then they can come into your back yard, if needed, and do their work.

Betty Delaney asked if anyone has looked into having the lines painted across Orchard Lake Road. She brought this up at the Planning Commission meeting. Also she would like to see signs for pedestrian crossing. Martin stated he has called them to strip it.

Delores Goldman asked if they could install “No Truck” signs. Martin stated they have to be careful with that because then residents could not have deliveries made to their homes. Martin added there are already “No thru Trucks” signs on Avondale and the City will need to contact DTE about the problem.

Doug Barlett stated Powers Brewery never allowed their people to drive trucks in the city. He asked why DTE is allowed.

Bill Wright asked if the city is aware of the cracks on the roads and on the sides of the roads. Martin stated he is and they are working on it. Lorenz added the city has a third party Civil Engineer looking at it.

There were no other comments.

Mayor Lorenz closed this portion opened to the public.

#### CITY MANAGER COMMENTS

##### Tree Trimming

**PR-009-07**

Martin announced Lamphere Tree Service is going to be taking out several dead ash trees on City Property and they are also helping in coming up with a program to replace the trees over the years.

##### Sylvan Shuffle

This Saturday at 9:00 a.m. at the Boat Club. Martin asked everyone to stop down there and show their support.

##### Reflectors

Martin stated this is the final notice that the City will be picking up reflectors, if they haven't already.

##### Memorial Day Parade

Monday, May 28<sup>th</sup>, starting at 11:00 a.m.. They still need help with barricading streets.

##### Garage Sale

The City Wide Garage Sale will be May 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup>. There is a sign up box on the counter at City Hall.

##### Signs

**PR-010-007**

New entrances signs are being installed at Pontiac Drive and Inverness. There will also be new signs for park rules, pets, etc.

##### MI Week

**PR-011-07**

Michigan Week Breakfast is Friday, May 18<sup>th</sup>. Tickets are \$25 at the West Bloomfield Parks & Recreation Dept. The Sylvan Garden Club will be receiving an achievement award. Martin asked everyone to support the event.

#### Newsletter Ads

City Hall has been calling other communities regarding this and has only found one community who sells ads in a calendar. He stated they will continue calling around.

#### Household Hazardous Waste Collection

Martin thanked everyone who participated in the program over the weekend. Thirty-seven cars were from Sylvan Lake.

### CITY COUNCIL COMMENTS

Maurina asked for the study session agenda to include the newsletter ads. Also she would like more explanation on the bond fees and fees that are charged for various services in the city. She asked when the new trash cans would be come in. Martin is hoping for next week. They said it would be at least 30 days.

Conkey asked if the donations for Oakland County Boat Club fireworks could go in the newsletter. He stated the light at the 2<sup>nd</sup> pump house on Ferndale is still out and also at Glenwood and Garland. He would like to see the Avondale situation aggressively pursued because when the railroad was in, the residents along there got a 10% reduction in their value and it was a lost of revenue to the city. Conkey commended the police for their enforcement along Ferndale over the weekend. Everyone appreciates it.

Hungerman congratulated the Garden Club on their Achievement Award. He thanked everyone for coming and sharing their comments.

Lorenz shared that Council and the Community Center Committee would like to put together an advisory committee to set rules and regulations for when the center is up and running. They will be discussing such things as how it should be rented, who to rent to and cost for cleanup. Something will be in the newsletter and then City Council will appoint them.

Lorenz expressed he likes no parking on the street for the fireworks. He asked for a show of hands of those in favor and not.

Lorenz thanked City Hall for getting the SBC boxes fixed.

### **ACTION ITEMS**

#### **R2-010-07    CC-010-07**

- a. Approval of Community Center Bond Authorization Resolution

Martin explained this authorizes the city to sell the bonds and put the millage on the tax roll.

Moved by Hungerman, seconded Conkey, to adopt the resolution authorizing the 2007 General Obligation Unlimited Tax Bonds.

Yes: Hungerman, Lorenz, Maurina, Conkey  
No: None

RESOLUTION ADOPTED

**R2-011-07 SC-003-07**

b. Approval of Resolution Encouraging West Bloomfield Schools to Offer School of Choice

Lorenz explained a small part of the city is in the West Bloomfield School District and rest of the City is in the Pontiac School District. This resolution supports West Bloomfield Schools to continue their practice of allowing non school district students to attend their schools. If schools start charging fees or such for allowing outside students to attend their district then they are called a Limited School of Choice Program and then what happens is the school district that is losing the child can still hold the funds back. When a child goes to a School of Choice, the district losing the child has to give that money up. Thus if it is Pontiac Schools losing the child then they receive less money through the West Bloomfield School of Choice program.

Moved by Conkey, seconded Maurina, to approve the resolution encouraging the West Bloomfield School Board to continue to accept application from nonresident students residing within the Intermediate School District, under the School of Choice.

Yes: Lorenz, Maurina, Conkey, Hungerman  
No: None

RESOLUTION ADOPTED

c. Clarification of No Dogs in Parks Ordinance

**O-006-07**

Martin asked for clarification so the police could better enforce the ordinance. Council agreed with Martin's interpretations on the following items: If the owner is walking on the street and the dog is walking just off the street in the grass that should be allowed. It is no different from someone walking a dog on another street in front of resident's homes. The area from the boat ramp to the beach area on Ferndale is considered park. The Lakeview area is considered park property, the public uses it and it will be enforced as such.

Conkey shared some residents are tying up their dogs at the entrance of the beach area on Ferndale. This should not be allowed. Council agreed.

**T-003-07**

d. Approval to Place Delinquent Water/Sewer Bills on the Tax Roll

Moved by Hungerman, seconded Conkey, to approve placing the delinquent water and sewer bills on the tax roll that are six months or more delinquent.

Yes: All  
No: None

MOTION CARRIED

**B-004-07**

e. Consideration to Approve 2007/2008 Millage Rate Resolution

Moved by Conkey, seconded Maurina, to approve the 2007/2008 millage rate resolution as presented.

Yes: Maurina, Conkey, Hungerman, Lorenz  
No: None

RESOLUTION ADOPTED

**B-005-07**

f. Consideration to Approve 2007/2008 Appropriation Resolution

Moved by Hungerman, seconded Maurina, to approve the 2007/2008 Appropriation Resolution as presented.

Yes: Conkey, Hungerman, Lorenz, Maurina  
No: None

RESOLUTION ADOPTED

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

Moved by Conkey, seconded Hungerman, to approve adjourning to Executive Session to discuss pending litigation immediately following item 13 on the agenda.

Yes: All  
No: None

MOTION CARRIED

**R2-012-07**

h. Approval of the State Budget Crisis Resolution

Martin explained this resolution was put together by the Michigan Municipal League. Maurina feels it is not sufficient, there is nothing to suggest fixing it and it would not have much impact. Conkey stated it just lends support.

Moved by Conkey, seconded Hungerman, to approve the State Budget Crisis Resolution as presented and that a copy of the resolution is sent to the Governor, State Legislature and the Michigan Municipal League.

Yes: Hungerman, Lorenz, Maurina, Conkey  
No: None

RESOLUTION ADOPTED

**R2-013-07    ZP-003-07**

i. Consideration to Approve the Resolution Adopting the Sylvan Lake Master Plan and Future Land Use Map as Approved by the Planning Commission

Lorenz thanked the Planning Commission member who worked very hard on this and Rick Vanker who is not longer on the Planning Commission. Maurina reminded everyone that planning is an on going process. Conkey thanked Rodney Knudsen for his hard work.

Moved by Hungerman, seconded Maurina, to approve the resolution adopting the Sylvan Lake Master Plan and future land use map as recommended by Planning Commission.

Yes: Lorenz, Maurina, Conkey, Hungerman  
No: None

RESOLUTION ADOPTED

**NON-ACTION ITEMS**

- a. Right-of-Way Policy
- b. Boat Docks and Marina License
- 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.

#### NEWSLETTER AND CABLE INPUT

Bloomfield Twp Zoning Hearing date with DTE, No Haz turnout, donations for the Oakland County Boat Club fireworks, Presentation by the Community Center Committee with approximate finished floor elevation, Community Center Committee for rental procedures and discussion of parking for the fireworks.

At 9:19 City Council adjourned into Executive Session.

At 10:30 City Council reconvened the regular City Council meeting.

#### ADJOURNMENT

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

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 10:31 p.m.

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Dennise Clippert, City Clerk