

CITY OF SYLVAN LAKE
REGULAR MEETING
OCTOBER 11, 2006

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, October 11, 2006; opening at 7:53 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Hunger, Hungerman, Lorenz, Conkey, Eriksen

Absent: None

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

APPROVAL OF AGENDA

Moved by Eriksen, seconded Hunger, to approve the City Council Agenda for October 11, 2006, as presented.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Eriksen, seconded Hunger, to approve the following minutes as submitted:

September 20, 2006, ZBA s, 2451 OLR-Citgo

September 20, 2006, Regular Meeting

September 27, 2006, Study Session

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Hungerman seconded Hunger, to approve the voucher report for October totaling \$188,361.70.

Aug Payroll	\$ 44,165.22	Check #'s 10116-10150
Accts Pay-Sept-Oct	\$141,986.18	Check # s 41438-41486
Auto Debits	<u>2,210.30</u>	
	\$ 188,361.70	

Yes: All

No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Lorenz received the City Attorney's and DPW reports for the month of September 2006 and the Police Department report for August 2006 and asked that they be placed on file.

COMMITTEE REPORTS

Judy Schwanitz reported for the Home and Garden Club and stated docents are needed for the next tour.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Mayor Lorenz opened the meeting to the public.

Judy Schwanitz, 2419 Avondale West, expressed a resident has a 98 year old mother and she had to call 911. The police responded very quickly and she appreciates their quick response and the job they do. Mayor Lorenz added his thanks to Bill Wright and Rick Eriksen for working on the Fire Board.

M-006-06

Charlene Zink announced her daughter attends Berkley High School and she is a member of the A Cappella Choir. The choir has been invited to perform at Carnegie Hall. There will be 30 students attending this event. They are now faced with raising funds to attend. The cost is \$1650 per student. Zink asked the council to allow a small ensemble to come and sing holiday carols at Memorial Park on a Saturday or Sunday in December. There would be no fee to attend. Some residents have already volunteered to provide cider and cookies for the event. She would be asking the residents for small donations to allow this group to attend the wonderful opportunity they have been presented. City Council all agreed it would be a wonderful event and congratulated the group. Eriksen suggested Halloween night during Trick-or-Treating. Hunger suggested they carol a couple times during the holidays.

Moved by Hunger, seconded Hungerman, to support the idea of Berkley High School, A Cappella Choir performing in Sylvan Lake. Dates to be worked out with the City Manager.

Yes: All
No: None

MOTION CARRIED

Jill Naeger, 2385 Maplewood, is hoping if the millage passes for City Hall that new entrance signs to the city would be provided.

John Galka, 1729 Beverly, questioned the rental ordinance and what it is. Eriksen responded, it is for registration of rentals only.

Cindy Fay, 1795 Beverly, asked if the police have reported an increase in crime lately. Martin informed her there was a rash of vehicles broken into about a month ago, but there has been nothing since.

Eric Weigand, 2339 Ferndale, expressed he is not in favor of the rental ordinance and didn't understand why it is needed for registration when rental homes should be identified by non-homestead status. Lorenz explained not everyone who has a rental have filed a non-homestead. Martin explained there are homes where they have them in the spouses name.

There were no other comments

Mayor Lorenz closed this portion opened to the public.

CITY MANAGER COMMENTS

Martin reiterated the police issuing tickets for speeding.

CITY COUNCIL COMMENTS

Hungerman had no comments.

Conkey reported the lights out at the restroom facility and it needs cleaning also. He also noticed the chain broken at the boat launch. Martin informed him somebody broke their key off in the lock. Unfortunately it was open over the weekend.

Hunger shared how the police are working with residents when issuing tickets for not stopping at a stop sign. He stated they are issued an impeding ticket which gives a less fee and no points.

Hunger is excited for the choir group's trip.

Eriksen clarified the basement on the proposed Community Center is definitely going to be there. If there is a budget issue and something needs to be cut, he assured it won't be the basement.

Lorenz announced the ballot language is on the city website and a sample ballot can be viewed at City Hall. He encouraged everyone to view the ballot ahead of time because it is a lengthy ballot. Lorenz also stated he will not be here for the election or the City Council meeting. He will be in China. He thanked Hunger and Eriksen for the two years he worked with them and their efforts they made for the city and their hard work on City Council and other aspects in the city. He respects their hard work and dedication and has enjoyed working with them.

OLD BUSINESS

a. Proposed Dock Installation Near the Community Center

Martin stated he has nothing new to report. He has contacted the DEQ and they have stated nothing has been done. Martin feels they may be awaiting the outcome of the election.

b. Special Land Use Request for 2451 Orchard Lake Road - Citgo Gas

ZP-012-06

Lorenz asked Laith Yaldoo to make his presentation to the residents. Yaldoo reviewed meetings they have had with City Council, the Planners and Planning Commission. He made his presentation showing and explaining the plans to the residents. Jamal Kalabat, JSK Designs, described the project.

Jill Naeger, 2385 Maplewood, questioned the plan for when the above grounds tanks are all removed. Kalabat stated there would be more parking spaces added and more landscaping.

Eric Weigand recalled attending a meeting six months ago and council rejecting the size of the building at 5,000 square feet. He didn't feel the reduction to 4800 square feet was much of a reduction. Weigand also asked, as a convenience store, if they would be allowed to sell liquor, beer and wine. Lorenz asked Yaldoo what they planned. Yaldoo stated they don't have any plans to sell it. Weigand remembered a previous plan having an entrance off the trail. Yaldoo stated there isn't an entrance facing the trail. There is a walkway to the trail. Weigand asked how tall the building wall would be. Yaldoo stated it is a 12 feet high wall.

Dave MacGillis, 1746 Woodland, asked for clarification on the sale of liquor, beer and wine. Yaldoo stated they don't plan on it at this time. MacGillis noted the Planning Commission's approval was with a list of stipulations. He asked if they have all been satisfied. Yaldoo stated from their side they have all been met.

Marlene Toby, 2412 Renfrew, feels the building is too large for this size community. She expressed her appreciation for all the work they have put into this. She would like to see something in writing for the removal of the tanks, and that no liquor, beer or wine will be sold there. Kalabat replied, the owner has no intention of having a license for liquor. He stated the size of the building is proportional to the lot. He stated there will be sufficient parking for this size building. They are not asking for any parking variances. Yaldoo added they had extensive studies done on how the building would affect the traffic and it was found it would not add to the traffic.

Jill Naeger questioned their plan for signage. She would like a low sign. Kalabat showed her where their proposed sign would go. It is a low sign with landscaping around it and it is within the city's requirements.

Russ Meskin, 2068 Garland, noted the proposed building is five times bigger than what is currently there. He asked what they are offering versus the other gas stations there along Orchard Lake Road. Kalabat clarified there are currently two buildings on the property and they are trying to combine the buildings and eliminate the above ground tanks and bring it more into compliance. Yaldoo added the facility will have very spacious isles, bathrooms and more open space. Meskin asked if they had adequate parking. Kalabat replied, they have enough in accordance with the city ordinance. Meskin asked about the lease agreement. Yaldoo stated the lease will end 25 months after the opening of the business or if tenant ever ceases the business then four months after that the tanks will be removed. Meskin asked if they are propane tanks. Yaldoo stated they are not.

Weigand asked if there would be an irrigation system for the plants. Kalabat stated there would be.

Mayor Lorenz reviewed there have been a number of public meetings on this request.

Eriksen summarized for the residents, they are discussing modifying a C-2 zoning. Their request for a gas station there, requires a special use approval. They are planning on approving the special use with 35 conditions, 24 of which came from Planning Commission. Council has received input from the City's Planner's, traffic engineer, building inspector, Fire Marshall, and the Road Commission.

Moved by Eriksen, seconded Hungerman, to approve the special use request for a gas station at 2451 Orchard Lake, Citgo Gas Station/Keego Energy, subject to the letter dated October 11, 2006, that has 35 conditions.

Council had discussion.

Mayor Lorenz read the 35 conditions. Reviewing condition number two goes back to a meeting with the petitioner in March of 2006 when the building was proposed at 3,280 square feet. Council based their decision on the traffic engineer's recommendation and the health, safety and welfare of the residents. After talking with the traffic engineer they were informed the petitioner's proposed building would incur more entrance and exit traffic. A site with this much intensity on it would require a center turning lane. Eriksen added the Road Commission would not normally demand a left turn lane, but they do monitor the traffic and accidents and they can install a sign that says "No Left Turn" onto the property.

Council discussed condition number six with the size of the brick. Kalabat stated the only discussion he has heard on this is from an email from the City Manager which he didn't respond to. Kalabat stated the block is 4"high x 8" wide x 16" long. It is scored in the middle so it looks like standard brick.

Condition number seven is based on the same decision as number two. The number of incursions increases with the number of pumps increasing and this could be a danger to the residents so council has limited the number of pumps to four.

Kalabat was confused by the comments. He stated he has never heard these comments before.

They are familiar with Planning Commission's conditions, but have no knowledge of these conditions. Lorenz replied, there has been many meetings on this and everything was contingent upon review by the County Road Commission and the city traffic engineer. Yaldeo felt these items have never been discussed. Lorenz reiterated their decisions were based on input they received and for the health, safety and welfare for the residents. The size of the building and limiting the number of pumps to four was in a letter.

Conkey was concerned with item #3. He didn't feel 30 days was enough time if they needed to remediate the site.

Moved by Conkey, seconded Hunger, to amend the original motion, to modify the language on item number three and four, to add: subject to an extension if the owner is proceeding in good faith.

Yes: All
No: None

MOTION CARRIED

Martin suggested modifying the language on item six.

Moved by Eriksen, seconded by Hunger, to amend the original motion, changing the language of item number six to: Install block that has the appearance of standard size brick on the exterior walls.

Yes: All
No: None

MOTION CARRIED

Lorenz noted a recommendation the traffic engineer made stating it would be a good idea to create a special assessment district with the business owners on Orchard Lake Road so they could extend the center turn lane. Lorenz feels they have done their best to make compromises.

Moved by Eriksen, seconded Hungerman, to approve the special use request for a gas station at 2451 Orchard Lake, Citgo Gas Station/Keego Energy, subject to the letter dated October 11, 2006, that has 35 conditions with the amendments made.

Yes: All
No: None

MOTION CARRIED

Al Greene, Dykema Gossette, PLLC, asked for clarification, if one of the conditions was to ask the neighboring property owner to shut down their access and has to combine their access with this property. Lorenz explained the city traffic engineer discussed the closeness of the curb cuts

on these properties in a very close proximity. It was discussed about having a cross access agreement between the two properties to try and solve parking problems and circulation problems within the property. It was concluded the neighboring retail area was at its maximum for parking spaces, so he didn't have parking to share over there. Our traffic engineer suggested changing the curb cut on the property line to allow access into either property from the curb cut straddling the property lines. Greene questioned if his client had seen this traffic engineer's report. Lorenz stated they have not. Greene feels his client probably won't be able to achieve this condition. He stated the tenants probably won't agree to closing down their access.

- c. Community Center Discussion
- d. Master Plan Update
- e. Right-of-Way Policy
- f. Security for Ferndale Park, Restroom and Boat Launch
- g. Amendment to the Zoning Ordinance Defining Maximum Lot Coverage of Structures
- h. Amendment to the Zoning Ordinance Defining Total Lot Coverage
- i. Amendment to the Zoning Ordinance Defining Residential Parking
- j. Amendment to the Zoning Ordinance defining attached garage location and dimensions
- k. Street and Drainage Project

There was nothing new to report on these agenda items.

1. New Ordinance Regulating Rental Property **O-018-06**

Martin explained this ordinance is for registration only. It requires homeowners to register their home if it used as rental. There is a registration fee. It helps identify where the rental homes are and who is the owner and the tenants.

Conkey doesn't like the last sentence stating it is designed to promote maintenance and reducing the cause of blight. He stated they just adopted a blight ordinance addressing this. He feels registration has nothing to do with blight.

Hunger would like to get a handle on rentals and who owns them.

Hungerman reviewed they have been discussing this for a year now. The problem he had was requiring inspections, which he wasn't for. This ordinance only requires registration and he is in favor of it.

Eriksen likes the language for out of state landlords, requiring them to have a local contact.

Lorenz agreed with Conkey on the introduction. He believes this ordinance is intended for assisting in the enforcement of boat docks, to ensure that current single family homes remain

single family homes and to assure that the city has proper contact information for homeowner s who live outside the city or state.

Conkey addressed the boat slips and stated if the millage passes for the parks millage, then the parks and boat slips are supported by tax dollars. So the homeowner who has a rental home is charged tax dollars, but not allowed to use a dock slip. Martin clarified they are two different things. Dock fees are not part of the proposed tax. Conkey stated the seawall is part of the boat slips and now the park millage.

Conkey also questioned registering each unit. Bibeau clarified it is a fee per premises.

Moved by Eriksen, seconded Hunger, to adopt Ordinance 280, Rental Housing Registration Ordinance.

Yes: Lorenz, Eriksen, Hunger, Hungerman
No: Conkey

ORDINANCE ADOPTED

Hungerman clarified this is a one-time fee as long as they own the building or home. Martin agreed that is correct. They only have to update who their tenants are.

R2-010-06

Moved by Eriksen, seconded Hungerman, to adopt the resolution for rental registration fee, a fee of \$25.00 per premises.

Yes: Eriksen, Hunger, Hungerman, Lorenz
No: Conkey

RESOLUTION ADOPTED

Martin questioned the effective date. It was discussed and changed to January 1, 2007.

Moved by Eriksen, seconded Hunger, to amend Ordinance 280, to change the effective date to January 1, 2007.

Yes: Hunger, Hungerman, Lorenz, Eriksen
No: Conkey

ORDINANCE ADOPTED

- m. City Entrance/Identification Signs
- n. City Managers Review

There was nothing new to report on these agenda items.

NEW BUSINESS

CA-011-06

a. Consideration to Approve First Amendment to Agreement for Orchard Lake Road Corridor Advisory Board Agreement

Martin explained this is an amendment to the current agreement the city has with the Corridor Board. It limits the ability of the board to spend the city s money. They can t spend anything more than the dues, without the city s approval.

Moved by Eriksen, seconded Hunger, to approve the amended Orchard Lake Corridor Advisory Board agreement as amended.

Yes: All
No: None

MOTION CARRIED

b. Update on New Zoning Board of Appeals **Z-012-06**

Martin reported the board elected a Chairman and Vice Chairman. Meetings are the second Wednesday of each month at 7:00 p.m. There are six members currently. Martin just received a letter of interest today to fill the last alternate position.

T-003-06

c. Consideration to Approve Placing Delinquent Water Bills on the Tax Roll

Moved by Eriksen, seconded Hunger, to approve placing the two water/sewer bills totaling \$1,049.45, on the tax roll, as attached.

Yes: All
No: None

MOTION CARRIED

R2-011-06

d. Consideration to Approve Resolution Supporting the Clinton Main Subwatershed Management Plan

Martin provided a handout to the residents and stated this plan creates a vision for the long-term protection and restoration of the Clinton Main Subwatershed.

Moved by Eriksen, seconded Hunger, to adopt the resolution supporting the Clinton Subwatershed Management Plan.

Yes: Hungerman, Lorenz, Conkey, Eriksen, Hunger,
No: None

RESOLUTION ADOPTED

NEWSLETTER AND CABLE INPUT

A Cappella Choir caroling at Memorial Park and pictures in the electronic newsletter.

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting was adjourned at 9:38 p.m.

Dennise Clippert, City Clerk