

CITY OF SYLVAN LAKE
REGULAR MEETING
OCTOBER 10, 2007

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, October 10, 2007; opening at 7:30 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Hungerman , Lorenz, Shepp, Conkey

Absent: Maurina

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

APPROVAL OF AGENDA

Martin added 4B. September 12, 2007, Special Meeting.

Moved by Hungerman, seconded Shepp, to approve the City Council Agenda for October 10, 2007, as presented.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Hungerman, seconded Shepp, to approve the minutes of the following meetings as presented:

September 12, 2007, Special Meeting

September 19, 2007, Regular Meeting

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Hungerman, seconded Conkey, to approve the voucher report for October totaling \$195,413.54.

Sept Payroll \$ 47,152.87 Check #'s 10511-10533

Accts Pay-Sept-Oct \$148,260.67 Check #'s 42171-42314

\$ 195,413.54

Yes: All

No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

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

Conkey noted the number of tickets issued was still down and wondered if the budget should be adjusted. Chief Silver stated his officers have been focusing on incidents, but tickets are on there way back up.

P1-005-07

Chief Silver introduced Officer Brent Ferrell. He has been an officer with the city for about six months and now will be the Code Enforcement Officer. Conkey asked why all the officers aren't doing it. Silver stated they are, but one officer will be dedicated to writing the violations. He will be working around 16 hours a week to start with.

COMMITTEE REPORTS

RT-004-07

Betty Delaney reported for the Trail Committee. She invited everyone to come out and enjoy the Clinton River Trail on November 3rd. She shared there is a comment box at City Hall. Delaney thanked Fran Hines for Chairing the Committee and for her work over the last three years. Delaney is holding a meeting at 1831 Sherwood, October 25th at 7:00 p.m. to discuss a safe way to cross Orchard Lake Road; Dan Kiefer will be coming to this meeting.

There were no other committee reports.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Mike Rammel has been in favor of an enforcement officer because current ordinances are not being enforced. He would like to see a noise ordinance adopted. He stated he and his neighbors have been putting up with loud muffler noise. The nuisance ordinance was discussed with him and told him this was a better ordinance than noise. Rammel complained about the police not showing up. Chief Silver asked him if he requested dispatch to have the officer stop by his house. Rammel couldn't remember if he asked this.

C4-007-07

Eric Wiegand spoke on behalf of Mike Zubrycki and discussed the noise issue with DTE. The Zubrycki's went to the Bloomfield Township meeting this week to complain about the loud noise at DTE. Wiegand stated Bloomfield was ready to pass approval for sheds to go all the way across the back, along Sylvan Lake borders. Wiegand feels City Council needs to write a letter to Bloomfield Twp. because they stated they have not heard anything on concerns with noise. Wiegand stated Midge Davidson asked him to relay that she is also hearing the trucks running.

Lorenz informed Wiegand that the City has already had many meetings with Bloomfield Twp.

Liz Zubrycki stated she attended the Bloomfield meeting along with Council member Sharon Maurina. Maurina asked them what the status was with this. Bloomfield Twp informed them they would delay the approval. She stated nothing has happened to cease or decrease the noise since Bibeau's meeting with them.

Martin clarified that the DTE issue was not on Bloomfield Twp's agenda and the meeting that Sharon Maurina attended was a couple months ago. Liz Zubrycki stated that was correct, they went to the meeting this past week to complain about the noise continuing.

Lorenz asked Bibeau if the City could issue a cease and desist order on them. Bibeau stated they would have to sue them in Circuit Court. A letter was sent directly to Mr. Early in July. He received a response from their attorney stating they are going to give instructions to their employees not to operate the trucks near the border of the property during the night to the morning hours. Obviously that has not happened. They also stated they are in the process of looking for another location. Bibeau asked them for a time schedule, but they can't provide that. It is a very big investment. It is going to involve soil testing and some remediation of the property. Two weeks ago Bibeau sent a letter to their Government Liaison person, stating the City has been receiving continuing complaints from the neighbors and Bibeau's office is getting pressure to do something. Bibeau has not received a response to this.

Zubrycki stated Bloomfield Twp has a noise ordinance which states noise has to cease from 10 p.m. - 7 a.m. Zubrycki feels as if they are being bullied by DTE.

Martin informed everyone, to build the sheds they need approval from the Zoning Board of Appeals and Bloomfield is keeping in contact with Martin when any hearings are to be held. Bibeau added some of that is in Sylvan Lake too.

Martin feels the phase bullying is pretty accurate, with DTE. Lorenz feels action needs to be taken to get their attention. Bibeau agreed maybe they will listen then.

Chief Silver added reports on the residents complaints are being taken and forwarded to Bibeau's office for review.

Wiegand asked for clarification on the road right-of-way policy. Martin stated, as of now if rocks are at grade it is ok, grass or ground cover is ok, but not for parking. Wiegand asked Council to consider hostas which are soft landscaping and aren't usually that tall.

Nicole Menuck expressed she is not in favor of the tree ordinance. She doesn't feel it should be the city's position to tell people what to do on private property. Also a lot of residents can't afford to take down a tree right now. Lorenz stated if it is a safety issue and they can apply for CDBG funds.

Kathleen Palazzollo is in favor of the dead tree ordinance and feels something needs to be done. Her neighbor has had a dead ash tree in their yard for four years.

Fran Hines requested the police to watch Cheltingham for speeders going from Garland to Inverness.

Betty Delaney questioned if there is going to be a height restriction of what can grow in the road right-of-way. Martin confirmed there would be restrictions. He added, another problem people are having trouble with is backing out of their driveway and that they can't see because of high landscape.

Mike Zubrycki reviewed his concerns with DTE.

There were no other comments.

Mayor Lorenz closed this portion opened to the public.

CITY MANAGER COMMENTS

Water Main

WA-004-07

Martin reminded everyone the water main at Glenwood and Garland needs to be repaired. This area has had 5-6 main breaks in the last couple of years and it has all clamps on it. He has been getting prices which range from \$50,000-\$55,000. This will be an emergency repair because it needs to be done before winter.

Seawall Repair

PR-020-07

The lake level is not going down for 2-3 weeks and there won't be enough time for the contractor to do the work. Work will be done in the spring. Martin will get firm prices over the winter and bring them to council to approve a dollar amount. They will repair however much that dollar amount will allow.

City Hall Renovations

A-004-07

Martin stated he has been working with the G-H Group on a new floor plan for up and downstairs. They are working on the dollar amount. The windows and painting won't be done until they know what is happening with the possible renovation.

Household Hazardous Waste

M-010-07

On October 20th residents can take the household hazardous waste to West Bloomfield Twp. Residents must get a pass from City Hall before going.

Election

Vote November 6th for City Council. Martin announced this will probably be Conkey's last meeting on City Council if the County certifies the election within a week. He thanked Conkey for his time and asking tough questions. He thanked him for his time as Mayor and he really does have the city's best interest at heart.

CITY COUNCIL COMMENTS

Shepp thanked the Community Center Committee for all their hard work and time. They have been meeting weekly to get to this point and Shepp is glad they got us here.

Hungerman reminded everyone to vote on November 6th. He added this is his third year on City Council and all during this time the road right-of-way policy has been discussed. He appreciates everyone's comments and stated they are close to working out something.

Conkey expressed the silt fence is down at Citgo and something needs to be done. It should go all around the entire property.

P1-006-07

Conkey asked for the status on going to the Sheriff's Department for dispatch. Martin stated he and the Chief met with them and toured the office. The Sheriff's office said the best time to change over is when the new radio system is in place. It will save the city money when they do this.

Conkey reviewed his time he has donated to the city, Board of Review, Planning Commission and City Council. He noted he has worked on committees and encouraged everyone to try it. He thanked Mayor Lorenz for all the hours and dedication he has put into this job. He stated Lorenz works full time on it and really listens to everyone. He thanked John Martin for his dedication to the city and for the good job that he does.

Lorenz thanked everyone for coming and voicing their opinions. He asked everyone to call their Council members if there is a meeting they want them to attend.

Lorenz stated Helen McAllister is starting to work on the Michigan Week events. This acknowledges the achievements of students and residents. Anyone interested in assisting her should call. Lorenz also thanked Martin for the wonderful job he does for the City. He thanked Conkey for his service. He asked everyone to vote November 6th and to get involved in anyway they can.

ACTION ITEMS

- a. Approval of Community Center Construction Budget **CC-017-07**

Moved by Shepp, seconded Conkey, to approve the Community Center plan as recommended by the Community Center Committee, with a total cost not to exceed \$480,000.

Yes: All
No: None

MOTION CARRIED

b. Approval of Community Center Site Budget **CC-018-07**

Martin explained the work to be done and the funds which it will be charged to.

Moved by Conkey, seconded Maurina, to approve the site layout as recommended by the Community Center Committee with a cost not to exceed \$193,546 with the cost to be charged to the accounts as indicated in the attached document.

Yes: All
No: None

MOTION CARRIED

O-010-07

c. Approval of Zoning Ordinance Defining Placement and Screening of Air Conditioners

Martin stated this has been discussed at length with the Planning Commission. The two big points were should this just pertain to new installation, or both new and replacement. They felt it would be costly to make it meet the ordinance requirements, if they had to move the air condition.

Moved by Shepp, seconded Hungerman, to approve Ordinance number 287, adding paragraph e to section 78-610 of the Sylvan Lake Code of Ordinances, defining the placement and screening of new air conditions and generators, as recommended by the Planning Commission.

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

ORDINANCE ADOPTED

O-011-07

d. Approval of Ordinance Regarding the Removal of Dead Trees on Private Property

Martin explained this is not a zoning ordinance and does not require Planning Commission to review it. This ordinance is a result of several dead trees on private property that are not being removed. It requires the property owner to remove the dead, diseased or dangerous branches, trees or shrubs. If the owner fails to do so after written notification, the City may seek a warrant to enter the property and remove the items at the owners expense.

Lorenz asked who is taking down the tree on Inverness. Martin reported DTE trimmed the branches away from the power lines, but it is now their policy to not do the cleanup work anymore. The ordinance enforcement officer will have to get involved now.

Moved by Conkey, seconded Shepp, to approve ordinance 288, to amend Chapter 74, Vegetation, adding Article III, requiring the removal of dead, diseased or dangerous trees and shrubs as presented.

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

ORDINANCE ADOPTED

CA-005-07

- e. Approval of Winter Maintenance Agreement with RCOC

Moved by Hungerman, seconded Shepp, to approve the Winter Maintenance Agreement with the Road Commission for Oakland County for the 2007/2008 season.

Yes: All
No: None

MOTION CARRIED

CA-006-07

- f. Approval of Agreement for Ballot Layout and Programming with Oakland County

Moved by Shepp, seconded Hungerman, to approve the agreement with Oakland County to provide election ballot layout and programming.

Yes: All
No: None

MOTION CARRIED

T-006-07

- g. Approval to Place Delinquent Street/Drainage Bills on the Tax Roll

Moved by Shepp, seconded Hungerman, to approve the delinquent street and drainage bills totaling \$7,027.90 on the winter 2007 tax roll.

Yes: All
No: None

MOTION CARRIED

NON-ACTION ITEMS

- a. ROW 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 Closeout
- I. City Entrance/Identification Signs

There was nothing new to report on these agenda items.

NEWSLETTER AND CABLE INPUT

Opening for Board of Review, election, tree and air conditioning ordinances, row policy and what council is thinking for the policy. Conkey informed everyone Shalina Kumar, a previous council member and residents, was appointed to the Circuit Court last month.

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting was adjourned at 8:55 p.m.

Dennise Clippert, City Clerk