

CITY OF SYLVAN LAKE
REGULAR MEETING
MAY 12, 2010

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, May 12, 2010; opening at 8:17 p.m. Mayor Lorenz presided over the Pledge of Allegiance.

Present: Wiegand, Zubrzycki, Lorenz, Maurina, Meskin

Absent: None

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

Yes: All

No: None

MOTION CARRIED

APPROVAL OF AGENDA

Moved by Wiegand, seconded Maurina, to approve the City Council Agenda for May 12, 2010, as presented.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

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

April 14, 2010, Regular Meeting

April 22, 2010, Study Session

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Zubrzycki, seconded Meskin, to approve the voucher report for May totaling \$214,706.04.

Apr Payroll	\$ 74,850.39	Check #'s	10977-10994
			DD813-DD843
			EFT347-EFT360
Accts Pay-Feb-Mar	\$139,855.65	Check #'s	44696-44754
Totaling	\$214,706.04		E0000000122-E0000000124

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Meskin questioned the if the number of speeding tickets and citations issued on Orchard Lake and Telegraph were correct. Martin didn't have that information and will have to get back to them.

Mayor Lorenz received the DPW and City Attorney's report for the month of April 2010, and the Police Department report for March 2010 and asked that they be placed on file.

COMMITTEE REPORTS

Helen McAllister announced the Garden Club will be hosting the Plant Exchange on Saturday, June 5th, from 10 a.m. to noon at Memorial Park. Residents can bring their plants to exchange or for a small fee purchase plants.

Eric Wiegand announced the Home and Garden Tour has been canceled for this year. They have a great list of homes for next year.

Zubrzycki stated the Park & Recreation Committee will not be meeting tomorrow.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

CE-001-10

Bill Stevens addressed a number of code violations in the city. There is a lot of blight, tall grass, junk cars and the city looks bad. He is concerned without having the Home and Garden Tour, it will make things worst. There are more empty houses and he feels values are going to drop unless the enforcement officer gets on this and follows up with them.

O-005-10

Heather Sommers-Webb is concerned for her daughter's safety. They have neighbor's who have two pit bulls. The family has bred the dogs together since living there and not all the puppies were adopted. Keego Harbor has an aggressive dog ordinance. West Bloomfield has an ordinance against pit bulls and she feels Sylvan Lake needs an aggressive breed ordinance. These dogs seem aggressive and out of control and she is afraid to walk down the street when they are out.

Luke Cassar is concerned with city spending \$6,000 to look into having a noise ordinance. He feels the ordinance has to do with DTE. Tonight council is looking at approving an ordinance against diesel engines which he feels is targeted at DTE. He doesn't understand how Sylvan Lake can enforce an ordinance where they have no jurisdiction. He added, the city is current asking DTE for prices for lighting the parking lot at the Community Center. He doesn't understand how

they can do this.

Megan Rogers is for the noise ordinance. She can't sleep with the noise. She wants a law that is enforceable to protect the residents.

CITY MANAGER COMMENTS

Thank You's

Martin thanked the Home & Garden Tour for the years of work they have done and the beautification provided. He looks forward to the tour returning next year. He also thanked the Garden Club and Memorial Park Committee for their work.

Memorial Day Parade

Monday, May 31st is the Lakes Area Memorial Day Parade. It begins at 10:00 a.m. in Keego Harbor and goes down Orchard Lake, turns down Inverness and ends at Memorial Park for a ceremony. Following the ceremony there is a flower drop at the Oakland County Boat Club.

Sylvan Shuffle

Martin understands it was well attended and everyone had a good time.

HHW

Also on the same day as the Shuffle was the Household Hazardous Waste event. He is not sure of the number of participants yet.

CITY COUNCIL COMMENTS

Wiegand is also concerned with blight and tall grass. He would like to see a violation given at 6" long. Also he knows of a couple houses storing old vehicles. He has received complaints about holes being dug at the Ferndale beach and toys left out. He suggested having the DPW taking any toys left out and if they want them back they should have to pay a \$10 donation, or just take away the toy box.

Wiegand asked if there is a commercial vehicle ordinance. There is a "Mr. Bid" box truck on Beverly sitting in his driveway day after day. Martin will have it looked at.

Meskin asked if the police check license plates to see if they are current. Martin stated they do. There is an officer who did a lot of violation notices last week and he'll be out this week also. Meskin asked that they address the garage on Pontiac and Ferndale. It is falling down.

Zubrzycki announced he participated in the Sylvan Shuffle and enjoyed it. He shared the noise

ordinance is being looked at because they have been dealing with issues for three years. Doing the study is the right thing. There is more than one issue which is affecting residents.

Maurina thanked everyone for coming. She would like to pick a day at the beginning of June for a city wide cleanup. The Parks and Recreation's cleanup day was canceled due to rain. Lorenz stated June 5th is the first Saturday in June. Lorenz stated volunteers and classic cars are needed for the Memorial Day parade; contact Jim Bull.

Lorenz thanked Martin and Clippert for their efforts on the five year projection budget. They are far ahead of most communities and he is glad they are looking out for Sylvan Lake. Lorenz appreciates the comments on blight. The City doesn't have the money to hire one person to do this job. There are residents who are willing to make a list and provide it to the police. Martin thought that would be great. Lorenz addressed the noise ordinance. He agreed there have been a dozen or more people with different issues and Lorenz feels they need to protect all properties. He stated DTE has not been a very good neighbor. He has been talking and putting public pressure on them. He suggested a public protest maybe needed. He would like to see June 5th declared Beautification Day.

ACTION ITEMS

B-005-10 R2-010-10

- a. Approval of FY 2010/2011 Millage Rate Resolution

Martin stated this resolution sets the millage rates to be levied on the taxes for 2010. He noted the Garbage and Rubbish millage is lower than what could be spread.

Moved by Wiegand, seconded Maurina, to approve the millage rate resolution for fiscal year 2010/2011 as presented.

Yes: All
No: None

RESOLUTION ADOPTED

- b. Approval of FY 2010/2011 Appropriation Resolution

B-006-10 R2-011-10

Martin stated this resolution sets the budget by department.

Moved by Maurina, seconded Meskin, to approve the Appropriation Resolution for fiscal year 2010/2011 as presented.

Yes: All
No: None

RESOLUTION ADOPTED

C4-001-10

c. Consideration to Approve Request to MLCC for Outdoor Seating-OCBC

Martin explained the Oakland County Boat Club has a new outdoor seating area. They now want table service with alcohol. In looking at the ordinance the Oakland County Boat Club is a special permitted use in the R1 zoning. Outdoor seating is another special permitted use in R1 zoning. Martin feels maybe it should go for site plan review with Planning Commission for outdoor seating to address service, noise and potential parking issues. Maurina asked if it has to be segregated. Martin believes it does but isn't sure because it is a private club. They are asking for permanent outdoor seating for service.

Lorenz suggested they table this discussion because no one is here from the Oakland County Boat Club and council needs guidance in order to discuss.

T-003-10

d. Approval to Place Delinquent Bills on the 2010 Tax Roll

Moved by Wiegand, seconded Maurina, to approve the placement of outstanding bills on the summer 2010 tax roll in the amount of \$2,861.07.

Yes: All
No: None

MOTION CARRIED

O-006-10

e. Consideration to Approve Ordinance 301, Anti-Idling of Diesel Engines

Mayor Lorenz took public comments first.

Mike Barron stated his property borders DTE and he feels the nature of the business has changed dramatically. He has to deal with trucks idling, vibrating, exhaust fumes and noise. He feels his right to peaceful enjoyment has been violated. He is asking council to make it illegal.

Paul Gatien doesn't believe an ordinance should be adopted when the city doesn't have jurisdiction over DTE. He feels the city will be in court if a ticket is issued.

Luke Cassar agrees the problem is the jurisdiction issue. They can move their trucks over to the Bloomfield Twp side. He feels it is a good ordinance, but not enforceable with DTE.

Brian Etter stated there are 46 bucket trucks on the property currently. They are not at capacity yet. Very early in the morning they let them run and fumes are terrible. He stated there is no reprieve from this. He would like it addressed.

Paul Gatien understands there is a problem. He suggested contacting other entities rather than the city funding it at our expense. If that fails, then adopt the ordinance.

Mike Barron noted after they first talked with DTE they started parking trucks right behind his house.

Lorenz closed public comment. He stated this ordinance is about the incidents the city doesn't want to happen in the future. They could happen in the strip mall which is an industrial area. He doesn't believe the ordinance is about DTE. He doesn't want pollution in the city and surrounding areas. He feels they won't be able to enforce it if trucks are parked on Bloomfield Twp. property. He feels this ordinance is the common sense thing to do.

Wiegand is disturbed with it. He feels they haven't considered all the options. The Mayor and City Manager have gone over to talk to them. Lorenz stated he wrote a letter to the Public Service Commission and they don't get involved with how DTE is operated.

Wiegand asked if DTE has come to Zubrzycki to put up a berm around the property to help stop the fumes. Zubrzycki stated they have not. Wiegand asked if the study was completed regarding the noise ordinance. Lorenz stated last he heard they were putting up sound equipment on the trail adjacent to resident's property. Zubrzycki added, there are sound meters on the trail. He hasn't heard anything on the results of that.

Wiegand asked if the city has bought sound equipment. Lorenz stated this ordinance is about trucks idling and fumes. Wiegand disagrees with it. He is afraid of another court battle.

Meskin would like to see this tabled. He feels they should pursue avenues with DTE first. He doesn't want a possible road block. He feels the brunt of it is towards DTE. He understands there is a court case against DTE already. He would like Bloomfield Twp. to enforce their sound ordinance. He doesn't understand if they aren't how we are going to.

Lorenz asked Attorney Bibeau if anyone on council would have to withstand from voting on this issue. Bibeau responded "no."

Zubrzycki read a quote from the Michigan Department of Environmental Quality. He stated the question before them is whether they think diesel engines idling excessively is harmful to the environment and to our community at large.

Meskin asked if DTE had a policy for idling restrictions. Zubrzycki stated they do; it is five minutes or less. Meskin asked how they can get them to follow this. Bibeau expressed the city has been trying get them to comply for the last three years. They have also been working with Bloomfield Twp on it.

Maurina agrees there has been ongoing discussion with the City and DTE for the last three years or more. She knows Zubrzycki and Lorenz have also tried to discuss the problems with them. She doesn't believe the ordinance is just for DTE. She is in agreement to table it. She would like

more time to consider it.

Wiegand stated Zubrzycki is part of the lawsuit with DTE and he doesn't agree that it is ok for Zubrzycki to vote on it. Bibeau reassured him there is no conflict of interest with the noise or the idling ordinance.

Lorenz feels it is a good ordinance and if this were three years earlier council wouldn't hesitate to approve it because green is the good thing to do. He doesn't want to see it tabled.

Wiegand asked where there are other idling trucks in the city.

Mayor Lorenz called for the motion or asked if Zubrzycki would withdraw the motion. Zubrzycki feels forced to withdraw the motion, but needs the support. He withdrew the motion and asked council members to resolve their issues before the next meeting.

Moved by Meskin, seconded Wiegand, to table to next council meeting.

Yes: Wiegand, Lorenz, Maurina, Meskin

No: Zubrzycki

MOTION CARRIED

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. Appointment to the Dock Committee
- g. Noise Ordinance
- h. Tennis Court Repair/Replace **PR-006-10**

Martin stated the ice rink is off of the courts. He has asked Goddard Coatings to come out and provide guidance on reconditioning and what to do. We hope to know something within a couple of weeks.

- I. Discussion of Advertising Community Center Rental to Public

There was nothing new to report for any of the other agenda items.

NEWSLETTER AND CABLE INPUT

Plante Exchange June 5th, City Beautification Day June 5th. Volunteers needed for Memorial Day Parade.

ADJOURNMENT

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

Yes: All

No: None

MOTION CARRIED

The meeting was adjourned at 9:41 p.m.

Dennise Clippert, City Clerk