

CITY OF SYLVAN LAKE
STUDY SESSION
NOVEMBER 29, 2005

A Study Session of City Council was held on Tuesday, November 29, 2005, at Sylvan Lutheran Church, 2399 Figa, West Bloomfield, at 7:08 p.m. with Mayor Conkey presiding.

Present: Eriksen, Hunger, Lorenz, Maurina, Conkey

Absent: None

Also Present: City Manager Martin and Clerk Clippert

Community Center Funding and Update

CC-020-05

Martin introduced D Arcy Gonzales from Bank One-JP Morgan Chase. Gonzales gave a brief explanation for options for financing for the Community Center. Under Act 99, Cities can enter into an agreement for purchase. Purchases can be buildings, land or equipment. Payments are made in installments over a period of not to exceed 15 years. Purchases are limited to 1 1/4% of the taxable value of the city. He estimated Sylvan Lake can borrow around \$1,060,000. The interest rate would be around 4.25% - 4.50%. A line item would need to be set up in the budget to make these payments. This process does not require a vote of the residents. It only needs a resolution adopted by City Council approving the action to enter into an agreement to purchase.

Lorenz asked if there are any fees involved. Gonzales replied, there are no fees, no escrow and no application fee. He explained Keego Harbor recently went through this process for their new City Hall. Independence Twp. has purchased land and built a building using this process. Gonzales recommended doing it as one purchase; you get a lower interest rate.

Lorenz asked if they could set it up as a line of credit. Gonzales replied no and explained it is a three party transaction, the city, the general contractor and the bank.

Gonzales also left a handout for funding Capital Improvements.

Martin reported he got a price for the roof at the Community Center. He doesn't have it in writing yet. It will be \$9,000 to re-roof the existing roof, pulling off the flat roof and making a pitched roof.

The next thing Martin would like to work on is Mary Dawson's recommendation of a Business Plan. He would like to get costs on all the things needed for restoring it. There are mold remediation, roof, HVAC, drain tile, restrooms and ADA compliance. Also there has been discussion on getting a permanent negative pressure fan for the B room. Council needs to decide if this is the kind of money they want to spend and is it cost effective. He discussed taking down the building except for the basement walls, raising the basement floor eight inches to handle the drainage problems and raising the block walls. He recommended removing the stage.

Martin will work on getting cost for ADA compliance after the results of the survey come in.

Orchard Lake Road Corridor

ZP-021-05

Martin discussed with council how the proposed Citgo gas station fits into the corridor. He explained he met with Larry Yaldo, Don Thompson, Laith Yaldeo and McKenna to discuss revising the plan and their options for getting rid of the tank farm. Their proposal hasn't changed much. Supposedly there is a three year lease agreement with Ed Simons with an option. Martin has not seen the paper work yet.

Michelle Anoil, McKenna, informed them the building up on Orchard Lake Road won't work because of the tank farm and they are not willing to compromise the size of the building. She doesn't know if it will work with a smaller building. There is the question of visibility with the building being up front. Martin added, other communities have their buildings up close to the road and visibility is not an issue.

Lorenz stated he is looking at the vision they want to see with the corridor. He feels the property was purchased with the idea that it will automatically be a gas station and that council should just accept this.

Anoil stated, council has the right to refuse the special use request because of the variances that would be needed. She explained they can continue running as they are today, with making no changes to the property.

Lorenz questioned the special use provision and what that allows council to do or not do. Anoil discussed where they are at with the Master Plan process and according to the current plan if Yaldo met all the requirements to put a gas station in, without needing any variances and not as many uses on the property, council would be hard pressed to deny it. If the Master Plan was revised and it didn't allow a gas station in this district then there wouldn't be a problem denying it.

Martin stated he spoke with Bibeau on what Yaldo would be allowed to do if they don't give them approval. Yaldo said he will only put in new gas pumps, underground storage tanks and fix the canopy. Martin informed him that he would still need to go through site plan approval.

Eriksen addressed the intensity of the traffic and asked the planners what standards they have to follow. He feels they should have to come within the guidelines and provide the required

number of parking spaces. Anoil will provide information before the next meeting using the Institute of Traffic Engineers Trip Generation manual, to identify the potential number of trips that this particular usage generates. It is based on the square footage of the building and number of pump islands, etc.

Lorenz questioned what the special use allows them to do. Martin replied, it allows them to put additional restrictions and requirements on the property. Anoil read McKenna's review letter, noting the Planning Commission's conditions and McKenna's recommendation.

Lorenz asked if they could table this until their Master Plan is all done. Eriksen agreed, a moratorium could be put in place. Anoil suggested they check with Bibeau on this. She believes they can deny the special use and site plan because they can't do it without variances. Then establish the moratorium after that. She recommended they don't hear the variances first, but deny the special use based on the intensity of the site. The site cannot be developed as proposed without variances.

Martin asked Anoil to include in their letter, increasing the non-conforming use by adding underground tanks.

Lorenz noted, on the plans Yaldo is showing a check cashing booth. Anoil stated this would be another type of use for the site. Martin stated they still don't know everything that is going in there.

Maurina would like to give Planning Commission a heads-up with this information. She feels there will still be Planning Commission members who will still want the gas station there. Martin stated he would get the letter from McKenna, to them.

Council discussed ownership of the property. Martin stated he still hasn't received anything. Anoil informed council they have the right to ask for this. Lorenz reviewed at the last meeting they asked them to provide the agreement between Yaldo and Simons and that hasn't been provided either.

Lorenz reminded them Planning Commission has already approved the recommendation for special use of the property and they still have site plan approval. Anoil added, Council can still add conditions or deny the special use. She advised holding a study session with Planning Commission.

Development of Brownfield Redevelopment Authority **ZP-022-05**

Martin reviewed, council has already approved the Resolution of Intent. The next step would be to create the Brownfield Redevelopment Authority. Mike McGee and Don Nystrom are working on this documentation. They probably won't have it ready for the December meeting. This would be an excellent use for the development of the Citgo gas station. Martin will email the DEQ website address which address questions on Brownfields and how they work.

Martin explained the Brownfield Authority will be able to capture all the taxing authorities. Eriksen asked if they have to have an agreement from the County or any of the taxing units before doing this. Martin stated, McGee informed him they don't. Eriksen confirmed it was only the incremental tax captured. Martin agreed it was.

Road Right-of Way Policy **S-013-05**

Eriksen would like to make the policy effective, as is, effective the next council meeting. This would include grandfathering starting with this date.

Martin stated he has been thinking about this policy and what they need to decide is what they want the road right-of-way to look like for the next 20 years. Do they really want gravel, asphalt or grass parking spaces. Martin noted, under the intent of the policy it states that the right-of-way will maintain the appearance of grass to the edge of the pavement, but then it says, here are all the things you can do if you don't want to do that. Martin understands the need for parking. He believes this goes with Planning Commission's discussion of total lot coverage. Martin discussed having a diagonal space off the driveway instead of out front at the edge of the road. His concern is if there is a water or sewer main break and there is asphalt or concrete there, it will be difficult.

He also stated they need to add an appeal process and criteria.

Hunger doesn't want to put together an ordinance that makes the city go for a look that is typical. He likes the uniqueness and different nuances in Sylvan Lake. He is concerned with the intent and how this ordinance is written.

Martin further noted there is inconsistency in the policy with gravel. Gravel is prohibited for driveway approaches, but is allowed for parking areas.

Lorenz has no problem striking gravel. He would like to decide on the grandfathering issue.

Conkey would like to go back to the 2001 date. Martin agrees they should have to have a permit and this would allow them to have what is there if it meets the drainage requirements. If they don't fix it then a violation is issued. If it is gravel, Martin will make sure it is the right type of gravel and not too high.

Martin also wants to make it known that these are not private parking spaces. Anyone can park in any space in the road right-of-way.

Separation of Zoning Board of Appeals and City Council

Z-010-05

Eriksen asked if anything had been drafted yet. Martin stated it has not. He informed them this requires a zoning amendment. They need to decide how they want to set this up, possibly using some Planning Commission members. He has three people interested currently.

Hunger would like to require classes and suggested a transition time. Eriksen would like one City Council member because they have the knowledge. Lorenz didn't agree with this. It doesn't make sense to separate council and the zoning board and then appoint a council member. His understanding is Planning Commission is not good either. Martin clarified, technically council makes the rules. Planning Commission only makes the recommendation.

Eriksen wants them to be accountable to the board. Martin will see if something can be placed in the language that will allow them to remove somebody for whatever reason.

Lorenz suggested adding three people now and adding another two next year. He also suggested having one alternate appointed so the board will never be too short if someone can't make a meeting.

Eriksen asked Martin to draft something.

Update of Ferndale Restrooms

PR-037-05

Martin reported they are moving along. The building size is pretty close to what was there. Jim Cassar is the general contractor.

User Fees - Boat Docks, Park Fees, Permit Fees, etc.

PR-038-05 F-005-05

Martin informed council if they are going to make any changes in fees, they need to start addressing it now.

Eriksen recommended raising the dock fee to \$360 and the park fee to \$50.

Council discussed keeping the docks separate from the parks and levying a small millage for Park and Recreation and doing away with tags. Recreation Vehicle storage fees will also be looked at.

Martin will put in the January newsletter that this will be on the agenda in January.

City Manager Comments

Martin announced he will hold off on his comments until Hungerman takes office.

Lorenz stated he will be out of town and won't be able to make the December City Council meeting.

Adjournment

Moved by Hunger, support Lorenz, to adjourn the Study Session Meeting.

Yes: All

No: None

MOTION CARRIED

The study session adjourned at 10:00 p.m.

Dennise Clippert, City Clerk