

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, August 13, 2014; opening at 7:30 p.m. Mayor Pro-Tem Meskin presided over the Pledge of Allegiance.

Present: Lorenz, Meskin, Cassar, Dzenko

Absent: Zubrzycki

Also Present: City Manager Martin, Clerk Dryden and Attorney Schultz

APPROVAL OF AGENDA

Martin requested to add Notice of Abatement Order to action items before adjourning into executive session.

Moved by Lorenz, seconded Dzenko, to approve the City Council Agenda for August 13, 2014, as amended.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Lorenz, seconded Cassar, to approve the following minutes as submitted:

July 9, 2014 Regular Meeting

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Lorenz, seconded Dzenko, to approve the voucher report for August totaling \$396,516.40, as submitted.

July Payroll	\$ 88,542.32	Check #'s	11621-11635 DD1999-DD2039 EFT856-EFT8 STUB 44-STUB46
Accts Pay-July-Augy	<u>\$ 307,974.08</u>	Check #s	477393-47829 EFT 770E-803E
Totaling	\$ 396,516.40	ACH	791A-794A

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Pro-Tem Meskin received the Police and City Attorney report for July and DPW report for June and July asked that it be placed on file.

COMMITTEE REPORTS

Ann Nichols announced the Garden Club's annual Ice Cream Social is Thursday, August 21st, from 6-8 p.m. This is their 75th Anniversary.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

RT-004-14

Helen McAllister shared cars are not stopping for the Hawk Light signal. She believes they don't know what they are supposed to do. She suggested another sign showing pedestrians crossing. Also she would like to educate the public on the different lights and what they are supposed to do.

Ed Robak added the signal only gives you 30 seconds to cross. He suggested the police parking there and giving out tickets because traffic is not stopping. He stated the trail surface is great now, but maintenance is now a problem. There are low hanging branches by City Hall that need to be trimmed.

CITY MANAGER COMMENTS

Storm

Martin stated we had a couple large storms come through, the bad wind storm followed by the terrible rain storm just the other day. The wind storm caused a lot of damage and power outages for the entire City, some outages lasting for a few days. Luckily the recent deluge that we experienced did not cause any real issues in the City.

Voicemail

City Hall's voice mail system sends an email when a voice mail is received. Employees can then listen to them through the email. Martin counts on that system to receive voice mail. He had someone say they left a voice mail last week that he hadn't received. He went back to the office and found he had 29 voice mails that he had not received an email notification. However 26 voice mails

did come through the email. Needless to say, we are working on the voice mail issue and he is returning the calls that were missed. Unfortunately he is only about 10% of the way through them.

Park

PR-007-14

Martin shared the city did replenish the wood chips in the Ferndale Play area a few weeks ago. We were hoping to have it a little earlier in the season, but this was as quick as we could get it.

SAW Grant

We're gearing up for beginning some of the work. Martin has met with HRC, the Engineers, and we are planning our work.

Racks on DTE property

The information is the same as last month. The racks have not been removed and Martin still has not received any additional information from DTE regarding them. Sylvan Lake along with Bloomfield Township, are in the process of beginning litigation against DTE for violating their recent agreement with Sylvan Lake and the Township.

DTE Outages

Martin stated Mike Palchesko will be present at our next City Council meeting to discuss the exceptionally large number of power outages that the city has experienced.

Outage Incident

The major power outage that the city experienced this past Monday and lasted until Tuesday for most and even Wednesday for some, was caused by an accident that happened on Orchard Lake Road. A vehicle left the road and struck an Edison pole. That particular pole had a power line running down the pole into the ground. The impact broke the pole and pushed it about 6 feet. It caused power outages and power surges all the way to Cass Lake Road. Sylvan, Keego and West Bloomfield PD's along with the Wbfd and DTE responded quite quickly. Unfortunately the vehicle was energized from the power lines on the pole; that along with the major storm that came through in the afternoon and evening did not help DTE get the power back on quickly.

August Primary Election

The election was successfully run with an average turnout of 20%. A big thank you to Dennise Dryden and all of the election workers for their efforts.

City Council petitions

There is one seat open on City Council and only one resident returned their petition. The current Mayor, Mike Zubrzycki will run unopposed in the November election.

Annual Audit

We are continuing to prepare for the annual audit which will begin soon.

Community Center

CC-005-14

Martin continues on working on getting quotes for the expansion of the Community Center storage.

Kids Day

P1-007-14

The 8th Annual Kids day was once again a great success. It was a beautiful day and there were a ton of kids and adults there. They went through about 300 hot dogs and over 200 hamburgers. Thank you Sgt. Mike Mondeau, and all of the officers and volunteers for once again making Kids day a fun successful event.

2358 Garland Home

CE-004-14

Martin is really hoping that sometime soon we will not have to keep talking about this construction. That it will smooth out and become just another construction project. It is his opinion that will not happen until the property owner hires a reputable and knowledgeable licensed builder. Martin has been receiving emails from the neighbors and that is very helpful and appreciated. The concerns received are relayed to the building official and City Attorney. He created an email group to respond to all of them together and has included City Council. There will not be a great deal of correspondence, but he will use that to send information to the neighbors when necessary.

We are working very hard to make sure the laws are followed for this construction. He explained what the city does is very reactionary in what we do. In other words, we cannot make someone do something correctly. We can only make them correct something they have done incorrectly. Unfortunately that usually involves giving them an amount of time to correct a deficiency or violation. As a property owner, it is your right to improve your property and we are required to issue a permit if the permit requirements are met. Unfortunately that does not mean the property owner understands construction, building codes or anything. We cannot issue a permit because we feel someone is not capable of construction. He is not saying that is the case here, He is just stating our position.

It is also our responsibility to protect all property owners and their rights. That includes the neighbors and property owner himself. With that being said, again, we are diligently working to make sure all laws are being followed within our scope of authority.

HAWK light

RT-005-14

Martin stated he brought up the issue of advanced warning signs as soon as the light was installed, but the Road Commission stated they would not install more signs. He stated a newsbyte did go out on how the Hawk signal works. He explained it again. There are also a couple of YouTube videos on the internet. We will get them on website. Martin will contact the Road Commission again.

COUNCIL COMMENTS

Cassar shared Kids Days was great. Thanks to everyone who was involved. He congratulated the Garden Club on their 75th anniversary.

Dzenko thanked Cassar and family for their fundraiser. Cassar stated it was all his daughter's doing. She raised \$8,000 for the Wounded Warriors. Dzenko stated it was a great event. Dzenko asked if another newsbyte could go out on the Hawk signal.

Lorenz agreed the Wounded Warrior project was a great event and Kids Day was a big success. Lorenz asked if a link on how the Hawk Light works, could be sent to the surrounding communities. Martin acknowledged they all have it.

Meskin thanked Martin and DPW for cleaning up after the storm and clearing it so traffic could get through. He also stated that Kids Day was a lot of fun.

ACTION ITEMS

- a. No Parking on Garland from Avondale to Pontiac Drive **S-011-14**

Martin stated he has not received any comments from anyone regarding this. He has no problem taking it off the agenda. Lorenz added he received a lukewarm response at best from residents he spoke with.

Annette Meskin doesn't believe there ever has been a problem. The only time is a problem is when construction trucks or maintenance-mowing vehicles park there, then you have to go around them. She suggested putting rock in the boulevard where people are driving around.

Jim Smith suggested fertilizing that area of the boulevard where it gets driven on. He doesn't want to see more signs.

Don Newman stated he has never heard anyone complain.

MaryAnn Smith agrees it is being run over, but added there are many obstructions by the road edges on homeowners' properties and the city should get rid of those.

Cassar stated the road does narrow going towards his property and when it is wet it does do a lot of damage when people are trying to get around vehicles. He suggested putting AA gravel on the boulevard, about a tires width.

No action taken.

C3-003-14

b. Request by the GWBCCC for Budget for Legal Services for Franchise Agreement

Dave Albery explained the background with this. Comcast earlier this year announced it is buying Time Warner Cable. Comcast and Charter Communications, another smaller cable provider, are combining to form a spin-off company called Midwest Cable and that will be Sylvan Lake's cable sometime early next year. The agreement Sylvan Lake has with Comcast will expire October 1, 2015. It is the Cable Commission's goals to try and combine these two issues (transfer and renewal) for leverage purposes.

Albery explained the costs; \$10,140 for legal services provided to the four communities jointly, to be funded by the allocation of 2% of each community's share of the Cable Joint Venture Fund on December 31, 2012. For Sylvan Lake the amount is \$306. Also \$10,000 for legal services specific to each community individually, \$2,500 for each community, to be funded from each community's share of the Cable Joint Venture Fund, Sylvan Lake's amount is \$2,500.

Albery stated if the transfer goes through it will probably be early next year and then all communications will be from Midwest Cable. Comcast will disappear; the new company will be owned 2/3 by Comcast and Time Warner shareholders, 1/3 by Charter Communications, and managed by Charter. Currently the cable board isn't getting any answers on any service questions they have.

Moved by Dzenko, seconded Lorenz, to approve the budget request totaling \$20,140 for legal services for the cable franchise transfer and renewal process with Sylvan Lake's share being approximately \$2,806.

Yes: All
No: None

MOTION CARRIED

O-005-14

c. Ordinance 322-Relating to Required Setback for Specific Lakefront Properties on Garland

Martin explained the ordinance and stated Planning Commission did hold a public hearing last week. Planning Commission did approve and recommended approval by City Council with a 6-2 vote. Martin added they will need to approve a zoning map amendment after this is approved.

Cassar felt the three houses at the end by Beverly shouldn't be included in this ordinance since they are on the canal. He has no problem with the ordinance other than that.

Moved by Cassar, seconded Lorenz, to approve ordinance 322 relating to the required setback for Specific Lakefront Properties on Garland, amending it to exclude the last three addresses going

towards Beverly.

Yes: Meskin, Cassar, Dzenko, Lorenz
No: None

ORDINANCE ADOPTED

d. Ordinance 323 Regulating Nuisance Lighting **O-006-14**

Martin explained this is a police power ordinance and it did not require a public hearing by Planning Commission, although it was discussed at the public hearing for Lakefront Setbacks. There was a family against the ordinance and a couple families in favor of the ordinance. It requires outside lighting to be shielded so it doesn't shine off the property with some specific exceptions. Planning Commission recommended it to City Council with a 6-2 vote. Since then Martin has received three calls from residents saying they are in favor of it. Safety and property rights were discussed at length by Planning Commission. It was explained that safety is always a big concern and that residents are allowed to light their property as they choose. However, the same property rights apply to the neighbor that chooses to not have their property lit.

Cassar is concerned with porch lights and sconce lamps that typically use 60W or less. He feels this should be excluded. Dzenko stated the ordinance concerns him. Lorenz is concerned with small lots, also with neighbors arguing with each other. He agrees with Cassar's comments. Cassar suggested adding "residential porch sconce lights will not apply". Martin referred to exceptions (vi) and suggested amending it to and take out "that is located within a covered porch area and".

Richard Prue shared he has a large security light on his garage, 70W sodium. The neighbor has been complaining for a year now. She doesn't want to have to close her blinds. The light has been there since 1987.

Ed Robak asked if flood lights are against the ordinance. Martin explained if they are angled down onto your property they are ok.

Sue Schafer, daughter of Richard Prue, asked who would have written this ordinance. Attorney Schultz explained the city gets ordinances from surrounding communities and from the State; this one was based on Novi's. Schafer asked why City Council had not discussed this before. Martin explained Planning Commission starts the process then makes a recommendation to City Council. This topic has been discussed at Planning Commission and City Council for several months. Schafer continued that at Planning Commission it was stated that the ordinance will generally only be enforced if there is a complaint. Why enact an ordinance unless you are going to enforce through-out the city. Meskin explained many of the ordinances are enforced this way. With this particular ordinance you would only know if they are in violation at night, when it is dark out. Martin added it is not done selectively. Enforcement of some ordinances is begun when a complaint comes in.

Cassar stated the way the ordinance reads is if the light doesn't go beyond your property line it is ok. He suggested putting a shield over the hot spot. This way it will still illuminate the yard and house, but not beyond. Schafer stated they have shielded it. Martin stated if the light doesn't go onto the neighbor's property you are good.

Jim Smith questioned his light post in his front yard. Council explained it is ok because it is a 75W or 23-28 florescent bulb and not illuminating into the neighbor's yards. Lorenz read the exceptions (vii) -security lighting. He believes the ordinance is fair because it allows safety and security lights on property, yet protects the neighbors from light on their property.

Moved by Cassar, seconded Dzenko, to approve ordinance 323 regulating nuisance lighting as recommended by Planning Commission with the amended changes in vi. Exceptions.

Yes: Cassar, Dzenko, Lorenz, Meskin

No: None

ORDINANCE ADOPTED

e. Seawall

L1-005-14

Cassar stated he spoke with JZ Contracting who first came out and did the presentation regarding the 12ø sheets and 12ø deadman, drainage system and the existing wall in place. JZ submitted a new proposal. He explained with the existing wall there has moisture behind the wall and is pushing it. They would take it down to the base and make a venting system. Cassar showed samples of vinyl with different colors. There is a steel cap they would put on it or they could do, a diamond plate steel cap for an extra \$1,000. It prevents slipping. There warranty is 10-15 for heaving and 50 years on the wall material.

Meskin would like Martin to be able to create a spreadsheet and then discuss this at a study session. He wants to make sure the criteria matches. He also feels Mayor Zubrzycki should be here too. Lorenz feels it should be discussed at a regular meeting.

No action was taken.

f. Dock Fees

Lorenz and Cassar will come up with something to present to council for the study session.

g. Move September Council meeting to September 17

Moved by Lorenz, seconded by Dzenko, to move the September Council meeting to September 17th.

Yes: All
No: None

MOTION CARRIED

h. Notice and Abatement Order CE-005-14

Martin stated this notice was emailed to Mr. Prendushi before tonight's meeting. He explained the order and is seeking City Council's approval because this could be a lien on the property.

MaryAnn Smith noticed there is a sign on property stating it is dangerous. She asked if the \$25/day penalty would be enforced. Martin stated that sign is from Oakland County and they would be the one to do it. Martin shared George Kilpatrick, Building Inspector, gave Prendushi until noon tomorrow to have a soil engineer come out or he will have property filled to a safe level and put up a chain link fence at the property owner's expense. Kilpatrick has an excavator ready to fill the hole and someone to put up the fence.

Moved by Lorenz, seconded Dzenko, to ratify and approve the City Manager's Nuisance and Property Maintenance Code Violation Notice and Abatement Order for 2358 Garland, Sylvan Lake, Michigan, as reflecting the opinion of Council that a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the City exists at 2358 Garland due to the condition described in that Notice and Order and to give notice specific in the Manager's Order, with this motion being made as provided in Section 16.16 of the City Charter.

Yes: Dzenko, Lorenz, Meskin, Cassar
No: None

MOTION CARRIED

i. Adjourn to Executive Session to Discuss Confidential Communication from Legal Counsel

Moved by Cassar, seconded Dzenko, to adjourn to Executive Session to discuss Confidential Communication from Legal Counsel.

Yes: Lorenz, Meskin, Cassar, Dzenko
No: None

MOTION CARRIED

City Council adjourned to executive session at 9:17 p.m.

The executive session adjourned and City Council reconvened the regular meeting at 9:28 p.m.

NON-ACTION ITEMS

- a. Security for Ferndale Park, Restroom and Boat Launch
- b. Boat Dock Fee Schedule
- c. Community Center Storage and Furniture

There was nothing new for these items.

ADJOURNMENT

Moved by Cassar, seconded Lorenz, to adjourn the City Council meeting.

Yes: All
No: None

MOTION CARRIED

The meeting was adjourned at 9:28 p.m.

Dennise Dryden, City Clerk