

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, March 12, 2014; opening at 7:34 p.m. Mayor Zubrzycki presided over the Pledge of Allegiance.

Present: Dzenko, Lorenz, Meskin, Zubrzycki, Cassar
Absent: None
Also Present: City Manager Martin and Clerk Dryden

APPROVAL OF AGENDA

Moved by Lorenz, seconded Dzenko, to approve the City Council Agenda for March 12, 2014, as submitted.

Yes: All
No: None

MOTION CARRIED

APPROVAL OF MINUTES

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

February 12, 2014 Regular Meeting
February 25, 2014 Study Session

Yes: All
No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Dzenko, seconded Lorenz, to approve the voucher report for March totaling \$434,874.23, as submitted.

Feb Payroll	\$ 45,738.41	Check #'s	11581-11587 DD1895-DD1913 EFT809-EFT818
Accts Pay-Feb-Mar	<u>\$389,135.82</u>	Check #s	47489-47542
		EFT	706 (E) - 722 (E)
Totaling	\$ 434,874.23	ACH	709 (A) ó 713 (A)

Yes: All
No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Zubrzycki received the DPW and Police reports for January and asked that they be placed on file.

COMMITTEE REPORTS

C3-001-14

Jim Endres reported for the Cable Commission. He shared Civic Center TV is doing a documentary on the new police office and the remodeling of the basement at City Hall. Dani Mann was out the other day and got footage for the "before" segment. Once construction gets underway she will be out and do some more and then will do a segment after the conclusion of construction. He asked Martin if there would be an open house for the residents. Martin stated there would be. Endres added on March 20th the Garden Club is having a presentation on "Curb Appeal" that Civic Center TV is going to tape. He thanked Martin, Dryden and Helen Jane Peters for helping get this accomplished. Endres expressed the Cable Commission and Civic Center TV is a tremendous asset for this city. They are willing to keep the residents informed. He asked everyone to spread the word and to let him know if there is something going on that the city would like to know about.

Endres also reported for the Board of Review, which concluded today. They reviewed 14 appeals.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

MaryAnn Smith stated minutes have not been put on the website since November. She feels they need to get on within one week of the meeting. Smith received the notice that a dock space would be added on Ferndale and she doesn't want her space moved. She addressed residents renting the Community Center. She tried to reserve the Community Center six months in advance and the date was already taken. She feels tax-paying residents should be able to get it before non-residents. Smith commented on signage requirements at the vacuum store on Orchard Lake Road. Martin informed her that is not in Sylvan Lake; it is in Bloomfield Township.

CITY MANAGER COMMENTS

Martin thanked everyone for coming tonight with our lovely weather.

Community Center repairs

CC-003-14

Martin stated repairs are moving along, although slower than he'd hoped. He told them he expects it to be done by the end of the month.

Boat Dock Applications

BD-005-14

Applications were due March 3rd. There may be about 8 dock spaces to distribute next week when we begin the move process. Dock holders were notified of the new boat dock move list policy. An application was created and it is on the city web site. As of now we have 8 dock holders that are on the move list.

SAW Grant Status

SW-001-14

Martin reviewed we applied for the SAW (Stormwater, Asset Management and Wastewater) grant right before Thanksgiving. There were many more applicants than there was funding so they held a lottery to see what municipalities received funding. He was very excited to tell Council that he found out this afternoon that we were number 14 selected to receive the grant. He doesn't know any more than that, but will keep Council informed as we learn more of the process.

Potholes

S-003-14

Martin stated there are some really bad spots in our streets as a result of our terrible winter. However, the maintenance we have done on the streets the past three years have greatly reduced the number of potholes that we would have had. It's still a mess and we know it and we will begin more permanent repairs in the spring. It looks like our streets aged five years in two weeks.

Road Funding

S-004-14

Martin shared the Governor is talking about providing additional road funding because of the high cost of winter maintenance and repairs that need to be made to the roads. We discussed this at our recent MML transportation committee meeting in Lansing. The proposal was to distribute \$100M using the Act 51 distribution formula. There was great discussion and debate over the amount of additional funding. We explained that the additional funding, although greatly appreciated, would only cover between 10% to 20% of the additional cost. Today, the Legislature approved increasing the additional funding to \$215M. However, the additional \$115M is earmarked for special projects.

Budget

Martin is behind working on the budget. It has been started but not as far along as he'd hoped. He will forward the goals and objectives to Council so they can discuss them at the next Study Session.

COUNCIL COMMENTS

Dzenko thanked Martin for his work on the SAW Grant and feels this will be good to do and the city will benefit from it. He stated the DPW did another great job on the roads. He stated his street is heaving now.

Cassar agree with Dzenko's comments on the SAW Grant and DPW. He addressed Bloomfield Township's unusual sign ordinance.

F-002-14

Lorenz reviewed talking with the Citizen Research Council. He would like to seriously consider funding a study to assist future decision makers of the city. It is important they understand the viability of options they may wish to consider if and when managing a small city like Sylvan Lake becomes impossible. If there is enough interest he would like to again discuss having an independent organization study some options the city may want to consider. At this time he is neither for consolidation or the un-incorporation of the city. If a study were to be done the elements of the study need to be defined by us. When he last spoke to CRC the potential scope of the project was to study outsourcing all city management and operations to Bloomfield Twp. or un-incorporate the city so we fall back into West Bloomfield Twp. In both cases we would want the outcome to allow us to maintain home rule of certain entities such as the parks, boat docks, RV lot and probably provide supplemental management and police services. He would like to put this on the study session agenda to discuss. Dzenko requested some background information be forward to Council. Lorenz will share the links on the Citizen Research Group and study that was done for Saugatuck and Douglas.

Meskin stated he is glad the generators are working now. He asked Martin what day they go off to test themselves. Martin did not know. He also asked who fills the potholes. Martin stated the city does the residential streets. They cannot do hot patching yet and they can't put cold patch in the truck yet because salt is still being used. A couple weeks ago they got bags of cold patch and did some filling. Meskin asked about the SAW grant, if it is for sewers and locations only? Martin again stated it is for storm and sewer, mapping, inspection, capital asset development, and management but not construction. Lastly Meskin feels they should start with asking the City Attorney if they can unincorporate the city before doing anything else. He is not necessarily in favor of this, but if they are going to look at it he would like to discuss with the Attorney first.

Zubrzycki thanked Martin for getting the grant to do the mapping and address weakness in the system. He stated it is a big deal having the generators working. He thanked MaryAnn Smith for her bringing her comments to their attention and asked that anyone knowing of a problem such as this to contact Martin or Dryden so it can get fixed. The additional boat dock space Ferndale, these spaces are wider than most dock spaces so they reduce the size by a foot and added one space. There will be some frustrations and adjustments the first year. Renting the Community Center to non-residents was discussed last month. He hopes Smith will be able to rent the Community Center some other time.

ACTION ITEMS

- a. Proposal From GWBCCC ó Addition to Green Media Center **C3-002-14**

Dave Albery stated before council is a proposal for an addition for storage, deployment and maintenance of equipment. Martin informed Albery they did not receive the proposal, only the letter in the body of the email. Albery stated it is a 1,000 square foot addition, 40' X 25' at a cost of \$93,000. Sylvan Lake's portion is through the allocation of 22% of its equity in the

Cable Joint Venture Fund on December 31, 2012, at a cost of \$2850.00. West Bloomfield Twp. approved it and Orchard Lake and Keego Harbor have their meetings next week. The addition will be of commercial masonry construction, heated, not air-conditioned, with steel roof trusses and a concrete floor.

Moved by Meskin, seconded Dzenko, to approve a total budget of \$111,542 for the addition and support the cost of the construction through the allocation of 22% of its equity in the Cable Joint Venture Fund on December 31, 2012.

Yes: All
No: None

MOTION CARRIED

Albery thanked City Council for adding Jim Endres as a representative. He attends every meeting, even the committee meetings. He is aggressive and will be a great help to the city. Albery also stated if the city would like links sent to them for the video (i.e. polar plunge) to put on the home page of the city website, he would be happy to send them.

b. Waive Small Balances From Tax Roll **T-001-14**

Martin explained this is done annually. It is personal property small balances from the winter tax bills.

Moved by Meskin, seconded Cassar, to waving the collection of small tax balances totaling \$21.34 as presented.

Yes: All
No: None

MOTION CARRIED

c. Ordinance Amending Sec. 78-562 Regarding Off-Street Parking in Residential Districts
O-001-14

Martin reviewed Planning Commission held a public hearing last fall and recommended City Council approve this. Martin and the City Attorney worked on the language and put this together. The purpose is to allow a driveway/parking area to be 21ø or 42% of the required front yard setback area, to be parked on. Martin stated currently you technically can only park on the portion of the driveway that has access as the garage. So if you only have a one car garage and your driveway is 21ø wide, technically you are not supposed to park on the side of the driveway that doesn't go into the garage. Now this is saying you are allowed to park there. The driveway width is not changing, but someone with a one car driveway can now widen it within the ordinance without having to get a variance. Council discussed it and whether an addition to a driveway should use the same driveway material as

they homeowner already has. They decided to approve what is presented and discuss the type of material used at a study session.

Moved by Lorenz, seconded Meskin, to ordinance 319 amending section 78-562 off-street parking in residential areas.

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

ORDINANCE ADOPTED

d. Ordinance Amending Chapter 38 Adding Sections to Address Identifying and Fingerprinting
O-002-14

Martin explained currently an officer cannot stop somebody and ask for their identification until they did something. They could be carrying a shotgun on the street and they could not be required to identify themselves. The police can stop and ask what they were doing, but they could not be compelled to identify themselves. This ordinance or similar have been, or are being approved in other municipalities. It is not to be able to arbitrarily ask people for identification. However, it does allow the police to stop and identify under the correct circumstances.

Meskin is concern with an officer, any officer not necessarily from Sylvan Lake, abusing this or antagonizing someone. Zubrzycki stated the Chief reviews the reports the officers have to write up. He asked if a log is maintained on complaints on officers. Martin responded there is and complaints against officers are taken very seriously. Zubrzycki feels there are checks and balances in place. Dzenko feels the city would be more apt to get sued without this. Cassar agreed and stated what it is really doing is protecting the police officer and the city.

Neil Friedman feels this only gives an officer the right to find out who they are talking with. He doesn't believe there is abuse there.

Moved by Lorenz, seconded Cassar, to approve ordinance 320 amending Chapter 38 to address Identifying and fingerprinting.

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

ORDINANCE ADOPTED

e. Change in Alcohol License Type for MP Pasta, LLC **CA-002-14**

Martin explained when Larco's originally came to the city they had a Class C liquor license which allowed beer, wine and spirits on premise. They changed that to a Tavern license which limited them

to only beer and wine. It has to be changed back and the LCC requires local approve before doing that. What was approved last month were our local ordinances, it was not this. We didn't have this application or request until after that was done. In the past this document came from the LLC, but when Martin contacted them regarding it they said they stopped providing it about two years ago. It is now the responsibility of applicant to provide. Larco provided it this afternoon.

Moved by Meskin, seconded Dzenko, to at 2440 Orchard Lake.

Yes: All
No: None

MOTION CARRIED

f. Title VI Plan **S-005-14**

Martin explained this is a new requirement to address how the city interacts with individuals with a limited ability to speak, read or write English. This executed plan is necessary for the City to continue to obtain our Act 51 funding (Street Funding) from the Federal/State Governments. It states we are in compliance and Martin will be the coordinator. Attorney Schultz has reviewed it.

Dzenko thanked Martin for his work on this.

Moved by Cassar, seconded Dzenko, to approve the Title VI Plan Document and designate John Martin, City Manager as the coordinator.

Moved by Lorenz, seconded, Cassar, to amend the motion to include English should be the official language of the United States.

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

MOTION CARRIED

Jim Endres agrees with this, but feels it should be a separate motion.

Moved by Lorenz, seconded Cassar, to approve the Title VI Plan Document and designate John Martin, City Manager as the coordinator, as presented, and that English should be the official language of the United States.

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

MOTION CARRIED

g. Seawall Update

L1-002-14

Martin stated he forwarded the latest to Council he received late today. The engineers have provided drawings and showed on a map where it is going to transition to the cantilever wall to the cantilever tieback. What they are proposing is too much. Martin has told them to stop. Zubrzycki asked how much they have been paid to do this. Martin stated he hasn't received a bill yet. Lorenz stated the engineers did what he expected and protected themselves. Now the city has an outline of what the experts would recommend. Now they can get bids using this as a guideline and see what they have to say. He would get bids for stone and steel. He still favors stone. Cassar added the purpose of getting the engineers involved was the soil borings and what type of base and support they need. To move things along Cassar spoke with Martin earlier this week and got his permission to forward the engineer's soil borings to Todd's. Todd's has sent it to their engineering department and will get back to him. Meskin is disappointed with the engineers, but agrees they should get quotes for both steel and stone. Council all agreed to get prices on both. Dzenko asked if they could get something by the study session. Martin replied he could not. Zubrzycki stated they won't be able to do this this spring, but asked if they could in the fall. Martin stated they could. Martin did get a response from the DEQ on the permit. The engineers filled out the application and proposed less rip-wrap and that was the one thing would need to be amended that the rip-wrap had to be 6' above the lake level and it is on a 2 to 1 slope, no matter what the material is. Martin asked Council if they wanted a bid for natural stone also. Cassar explained the Rosetta stone is a manufactured stone with a high density concrete. Zubrzycki has reservation with the warranty of that and feels stone is forever. They just have to justify the payback. Council agreed to get a bid for natural stone also.

NON-ACTION ITEMS

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

There was nothing new to report on these items.

NEWSLETTER AND CABLE INPUT

Nothing new

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting was adjourned at 9:40 p.m.

Dennise Dryden, City Clerk