

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, August 12, 2015; opening at 7:32 p.m. Mayor Dzenko presided over the Pledge of Allegiance.

Present: Zubrzycki, Cassar, Dzenko, Lorenz, Meskin

Absent: None

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

### APPROVAL OF AGENDA

Lorenz requested to add item 11D Pontiac School District to the agenda.

Moved by Meskin, seconded Cassar, to approve the City Council Agenda for August 12, 2015, as amended.

Yes: All

No: None

MOTION CARRIED

### APPROVAL OF MINUTES

Moved by Zubrzycki, seconded Lorenz, to approve the regular meeting minutes of July 12, 2015, as submitted.

Yes: All

No: None

MOTION CARRIED

### APPROVAL OF DISBURSEMENTS

Meskin asked if he could get an update on the amount spent for City Hall. Martin stated he could get that for council.

Moved by Meskin, seconded Zubrzycki, to approve the voucher report for August totaling \$233,296.03, as submitted.

July Payroll	\$ 89,810.72	Check #'s	11737-11750 DD2333-DD2382 EFT975-EFT983 STUB56-STUB58
Accts Pay-July-Aug	<u>\$ 143,485.31</u>	Check #ø	48400-48463 EFT 998 (E)-1001,1007-1017,1024-1032(E)
Totaling	\$ 233,296.03	ACH	1002(A)-1006, 1018-1023(A)

Yes: All  
No: None

MOTION CARRIED

### ACCEPTANCE OF REPORTS

Mayor Dzenko received the DPW and City Attorney's reports for July and asked that they be placed on file. Martin is working on the Police Report and will get to Council soon.

### COMMITTEE REPORTS

Mayor Dzenko provided a report from the Parks & Recreation Committee. This report will be placed on file.

### BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

#### **O-006-15**

Bill Brundage has been noticing more and more smokers in the parks. He asked if the parks are smoke-free. Martin stated they are not. Brundage stated all the surrounding communities have smoke-free policies for their parks. He asked City Council to discuss at their next meeting. Mayor Dzenko asked to put this on the agenda for next month.

Helen Jane Peters invited everyone to the 50<sup>th</sup> Ice Cream Social next Thursday, August 20<sup>th</sup> from 6-8 p.m. by the Garden Club. She asked everyone to invite their new neighbors. Mayor Dzenko asked that a newsbyte go out regarding this.

#### **CC-006-15**

Pete Peters expressed his concern with the chairs being looked at for the Community Center. He likes the folding chairs; they are easier to setup and take down. He asked if the plan is to get rid of the folding chairs or will they keep them? Meskin stated the Home and Garden Tour Committee along with John Martin are discussing them now. Dzenko added the current chairs have lasted the city 25+ years. They are a freestanding chair and the upgrade looks better.

### CITY MANAGER COMMENTS

City Work

#### **A-006-15**

City Hall has maintained its very busy pace for the past few months now. Boat docks and dock issues have died down, but complaints from residents about their neighbors have increased dramatically. He doesn't know what happened over the past several years, but residents not only don't talk to their neighbors about issues, they want the City to and don't want the neighbor to know they complained.

#### Audit

The Auditors are currently conducting their annual audit. They're great to work with, but the process is very time consuming with getting the documents and information they request and answering the questions they have.

#### Seawall

The grading behind the new seawall is working great. If we had a little rain like we did every day in the spring it would help the grass grow.

#### Election

##### **E-002-15**

We held the election for the Pontiac School millage last week. Dennise and her workers did a great job as usual. Martin commented on the results. We only had a 39.33% voter turnout for the election in May and 32.34% turnout in August. Sylvan Lake's voting results last week, for the August election for the Pontiac school millage question was 393 voters, 58 yes and 345 no, defeating the question by 287 votes. The results district-wide were 5,384 votes cast with 2,634 yes and 2,750 no, defeating the question by 116 votes. The exact same question for the school district will be on the ballot November 3. If you are not registered to vote, the last day to register and be able to vote in that election is October 5.

#### Water Resource Commission

##### **SW-003-15**

Martin met with the WRC about a new agreement for sewage disposal. We have reviewed a couple drafts and they are working on a few revisions. We should have something for discussion and possible approval at the Study Session. The goal with the new rates will be to lower the sewer rates a little bit.

#### Saw Grant

Saw Grant Work is still going very well and very busy. We're still working on manhole inventory and will hopefully have that done soon.

#### Events

We have a few things coming up in August. Make sure you come out to the annual Ice Cream Social hosted by Sylvan Lake Garden Club August 20 from 6:00 to 8:00. It is their 50<sup>th</sup> anniversary. The annual Road Rally sponsored by the Sylvan Lake Parks and Rec committee has been cancelled for now. It was supposed to be this Friday evening the 21<sup>st</sup>. They are hoping to get it scheduled for a later date.

#### ROW Complaints

##### **S-002-15**

Martin brought to City Council's attention that the city has received complaints that we cannot control. One of them is parking in the Road Right of Way. This has been allowed to happen for as long as Martin can remember. The only area parking on the edge of the street where there was an issue was on Lakeland and Woodland where there were sidewalks. There was not enough room to park a car off the street and not be on top of the sidewalk. The complaints that have come in are regarding people that constantly park on the grass in the road right of way. The ROW has been

discussed and amended countless times and Martin doesn't know if City Council wants to look at it again. Martin will give Council a little more info later and put this on the study session agenda to discuss.

### COUNCIL COMMENTS

Cassar thanked everyone for coming and thanked Helen Jane Peters for help working with the Ice Cream Social. He thanked Martin for the synopsis on the ROW and will look forward to discussing it at the study session.

Lorenz also thanked everyone for coming and thanked the Garden Club and volunteers for the Ice Cream Social.

Zubrzycki agreed with previous comments and also thanked everyone for coming.

Meskin stated he looked up election results from Oakland County's site and found it interesting the people who voted 'yes' in May was about the same in August, but the 'no' in May was more than it was in August; meaning the 'no' voters didn't come out to vote again in August. Parking on the street is this allowed, can they park on the grass, what is the rule? Martin clarified during the day you are allowed to park on the street. During the night 2 -6 a.m. you aren't allowed to park on any street, all four wheels have to be off the street.

Dzenko also thanked everyone for coming out. He stated Sylvan Lake is a beautiful place to live.

### **ACTION ITEMS**

a. Comcast Franchise Agreement

**CA-003-15 C3-003-15**

Dave Albery introduced Sylvan Lake's two representatives to the Cable Board, Bill Brundage and Jim Endres. He also introduced Leslie Brogan, Comcast's Government Relations representative. Albery reviewed back in September 2000 City Council approved a franchise agreement with MediaOne. Comcast purchased that company shortly thereafter. This agreement expires in September. And a new agreement needs to be approved with Comcast. He noted the State dictates what the content of the agreement will be. The Cable Commission recommends that you insert in the document Section 6A ii, insert a number 5. If you don't you will lose your franchise fees, which amounts to around \$40,000/ year. He also recommended they make with their motion effective September 1, 2015. It is a ten year agreement with State Law.

Dzenko asked about the money that was lost because the deal didn't go through with Time Warner. Albery explained Comcast did reimburse \$5000 to the Cable Commission i.e. the four communities for the labor cost.

Leslie Brogan thanked Council for allowing her to speak and stated she was able to drive around the City before the meeting and found Sylvan Lake a beautiful well-kept secret. She stated Comcast is pleased to service the resident of Sylvan Lake and they try to be transparent. They continue to work on issues with service and concerns that customers have expressed. They are also working on an app for residents to manage their account from their electronic devices.

Moved by Lorenz, seconded Cassar, to approve the Michigan Uniform Video Service Local Franchise Agreement with an effective date of September 1, 2015 and inserting 5% into Section 6A ii for the franchise fees.

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

MOTION CARRIED

b. Public Safety Update **P1-003-15**

Martin shared Speed limits signs, Stop Signs and Slow Children at Play signs have been discussed on and off for many years. People have been complaining about speeding and stops signs ever since speed limit and stop signs went up. He reviewed a few comments from residents in the past, including one from 1952. We'd only been a City for 6 years.

He explained for speeding you have to determine what your threshold is. What do you think the threshold should be to issue a ticket, 31, 32? Generally you issue a ticket for anything 5, 6 or 7 mph over and up. We've talked to many residents that have contacted us about speeding and we asked that question. Most say 31 or 32.

We have been running radar in several key areas and there really hasn't been much speeding. Of the 18 vehicles we clocked in one area, only two were actually doing the speed limit or higher. One we stopped and the other was doing 26.

Martin has explained many times that stop signs should not be used for, and are not intended to slow traffic. He has also said that they give a false sense of security to people and kids expecting that traffic will stop because there are stop signs.

Complaints have been on the rise with the help of social media. While he appreciates the residents holding each other accountable, trying to blame the police department for people not following the law is not what should happen.

He shared a couple more facts: We have about 9 ½ miles of street to patrol, about 65 intersections, some with 4-way stops, 80 businesses, 2 parks, a Community Center, 854 residences, a HAWK signal, 2 stop lights and a trail. Every one of those things is the most important in someone's eyes.

We can only be in one place at a time. Yes, they do run radar quite a bit and they watch intersections for stop signs and stop lights. It is all important and all part of the job.

Martin again stated "We cannot make you do anything." The City cannot guarantee compliance. Again, the Police can, and do issue many citations for a huge variety of offenses; everything from barking dogs and blight, to parking, to speeding and stop signs on up to drunk driving, armed robbery, weapon offenses, domestic violence, and on and on. The thing is you are the only one that can change you. The Police can react if you do something wrong, but it doesn't mean it will stop you from doing that exact same thing or something different the next day or even the in the next ten minutes.

Martin provided a little information from traffic engineering studies on stop signs, speed limit signs, slow children at play signs and small plastic men. Stop signs are used to control conflicting traffic movements at intersections that are not busy enough to justify installing a traffic signal. The stop sign is not intended to be used as a traffic calming device. It is meant for safety and to assign right-of-way to a certain direction. Multiple studies have determined that multi-way stop signs do not typically control traffic speeds. Instead, they can create liability issues, traffic noise, pollution, enforcement problems and poor stop compliance when drivers believe the signs have no justification.

Speed Limit signs-numerous studies show that speed limit signs have little impact on actual driving speeds! They find that drivers do not operate by the speedometer but by the conditions they meet. More often than not, they ignore posted speed limit signs and drive at a rate they consider convenient, reasonable and safe under existing conditions.

The Federal Highway Administration, in its Manual of Uniform Traffic Control Devices, does not sanction "Children at Play" signs. It notes: "The use of warning signs should be kept to a minimum as the unnecessary use of warning signs tends to breed disrespect for all signs.

He provided stats from the past 2 months - actual tickets written. This list does not include verbal warnings.

In June and July the Police wrote the following citations:

Orchard Lake Road - Stop Lights	32	Speeding	19
Telegraph		Speeding	40
James K		Stop sign -	5
Local City Streets	Stop Sign -	17	Speeding 8
HAWK Signal		17	

In August in the City the police wrote 10 stop signs and 1 speeding and 4 of them were residents.

He explained the need for presence on Telegraph and Orchard Lake Road.

The things that have shown to be the most effective at reducing speed are radar speed display signs or speed trailers. They make drivers aware of their speed when they otherwise may not be. They also make them accountable because others know their speed too. The signs begin at about \$2,800 and the speed trailers from around \$10,000.

The Mayor opened this topic to the public for comment.

Graham Cousens agreed there has been a lot of chatter on social media with speeding and running stop signs. He is glad for the increase in enforcement and in turn the buzz on social media now is this. It is great to see the City addressing the issues and he appreciates it.

Jim Smith stated it is dangerous running stop signs; it may be worse than speeding.

Cassar shared his family has living here since 1944 and he agrees with what Martin said especially with the stop signs when people are constantly having to stop they jack rabbit to get back up to speed.

Cousens restated his appreciation and thanks to John Martin and City Council for making the effort and addressing the concerns and asked City Council to consider purchasing the flashing speed signs.

Neil Friedman feels it is not only speed and stop signs but signs in the parks that need be addressed. He feels sometimes rules are enforced and sometimes not. Park rangers don't have the inclination or authority to do anything. Everybody has a reason why the rules don't apply to them. Dzenko noted the park rangers are new this year and maybe the rules should be revisited with them again.

Helen Jane Peters shared a resident brought their dog on a leash to the park. When she told him the rule of no dogs in the parks he said he knew but was watching his daughter play. She feels people need to know they can't open the gates and it should be published. Martin stated it does say it right on the sign attached to the gates "Do Not Open Authorized Personnel Only".

Jim Endres asked if the speed signs or trailer could be rented from the County. Martin stated they can't. Endres thanked Martin for the great report. He would like permission to post the report on social media. Martin will put something together that is more concise.

Jim Smith feels the trailer would be better to use because it can be moved around and educate more people. He wasn't sure of the cost. Dzenko stated \$10,000 for the trailer and \$2800 on a pole. Dzenko agreed these devices would be the most effective.

Pete Peters noted there haven't been any serious accidents in the park but he feels it really needs to be enforced to not move the gates and keep the traffic out of the park area.

Bill Brundage stated the police do a great job. He asked that they patrol Avondale W because people are speeding on it and there are a lot kids on that street.

Amy Greenwalt agrees Avondale W needs to be patrolled. She watches her kids all the time, but people are speeding down the road.

Cousens is concerned with the Community policing themselves and being vigilantes on social media by posting pictures and describing people and their vehicles. He feels residents need to be educated and address this matter.

Friedman stated the gates need to be enforced. He observes someone opening them once a week and has many pictures.

Helen Jane asked if people should be fined for opening the gates. Martin stated the police need to see it.

Meskin suggested sharing a trailer with Keego Harbor and Orchard Lake. Martin feels we could use it all the time so would rather have one of our own.

Zubrzycki stated he has a lot residents contact him with problems. He tells them they should call John Martin, what should he say; does the situation vary due to the circumstance? Martin stated if it is a police issue they should contact the correct department. Depending on what the police are doing they may not get there soon. There is only one officer on at a time.

Friedman agreed that is the problem. He calls them frequently and feels it is helpful when they do get there. Martin thanked Friedman for his comments and reminded everyone of all the stuff the one police officer has to do, yet they are expected to be in every location all at the same time. Sometimes you have to make a phone call if you need them for something. They can't be everywhere.

MaryAnn Smith asked what the role of the Park Ranger is. Martin stated they are supposed to watch and call the police. They can approach people and let them know what they are doing wrong.

Dzenko shared he walks his dog every day of the year and sometimes twice a day. He has only seen three speeders out of his 540 walks over the last year.

Friedman feels the public perception is our parks are that it is a public beach. He feels it helps when the police come.

c. Policy Regarding Donations and Sponsorships

**PR-003-15 A-007-15**

Martin stated City Council has before them the latest rendition of the policy. He reviewed for the audience what is being discussed.

Meskin would like to see added in the first paragraph basic rules right at the beginning. Dzenko stated they are in the policy. Meskin would still like them in the first paragraph.

Moved by Cassar, seconded Lorenz, to approve the City of Sylvan Lake, Parks and Recreation Sponsorship and Donations Guidelines as submitted.

Yes: Dzenko, Lorenz, Zubrzycki, Cassar  
No: Meskin

MOTION CARRIED

d. Pontiac School District **SC-002-15**

Lorenz stated being a part of the Pontiac School District system was a great choice back in 1947. Currently there may be on one or two children from Sylvan Lake that are getting funding for going to another school district because of special needs . He reviewed prior discussions regarding getting out of the Pontiac School District and things they have tried. In light of the two millage proposals that have failed, which he has supported Pontiac School millage because he believes the children do deserve a decent place to go to school. He is proposing a letter to the Pontiac School District and Oakland Schools to allow Sylvan Lake out of their district and if they do this, then residents know it and maybe they will vote the sinking millage in and Pontiac can get the money they need. The idea is to give the Pontiac School District the opportunity to help them to get this millage passed. He is hoping they would take action on this before the November Election.

Dzenko would like Attorney Schultz to look into the legality of it. Lorenz feels there is nothing to worry about until they have the option to be released.

Meskin questioned if it is in Pontiac Schools power to authorize this. Attorney Schultz stated it is statutory process with public hearings and then a decision. He would have to look at the statue to see if that is relief they can give. Lorenz asked what the downside would be to sending this letter. Schultz replied, asking them for something they can't take action on.

Zubrzycki asked if Pontiac gives them permission to leave, can they change their minds down the line. Schultz stated it is a formal, lengthy process by which they consider the request and grant the request. It may not even be possible to do between now and November.

Council reviewed past discussions on letters that were looked at to send.

Dzenko would like to see the city go to a better school district but is concerned with paying the 2.873 mills to Pontiac Debt and also paying whatever school district accept them, their millage. He not sure the residents want this.

Jim Endres asked the Pontiac School District to let Sylvan Lake out of their district and they told him they will never allow this. That was from the Superintendent and the School Board President.

MaryAnn Smith feels all Pontiac Schools District wants is our millage dollars. She would like the letter sent to know what Pontiac will do and then residents can decide whether they want to remain in the district or move.

Graham Cousens agreed he would like to see this idea explored.

Jim Endres made Council aware that this proposal for the November Election will probably be taken off the ballot. There are a couple lawsuits being filed.

Zubrzycki is ok with the letter. It opens the possibility to the question that has never been formally asked.

Martin's recollection is that Pontiac Schools doesn't have the authority to do this, but lies with Oakland Intermediate School District and a process to follow. Schultz will research this.

Moved by Lorenz, seconded Zubrzycki, to send a letter to the Pontiac School District and Oakland Schools requesting that they give the City of Sylvan Lake the option to move to a School District of our choice starting in the 2016-2017 school year. The motion does not prevent the City of Sylvan Lake from choosing to remain the Pontiac School District. The letter that is drafted will be approved by City Council prior to being sent.

Yes: All  
No: None

**MOTION CARRIED**

## **NON-ACTION ITEMS**

- a. Ordinance to Regulate Construction Sites
- b. Policy Regarding Donations and Sponsorships
- c. Security for Ferndale Park, Restroom and Boat Launch
- d. Community Center Furniture
- e. Fire Department

## **ADJOURNMENT**

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

Yes: All  
No: None

**MOTION CARRIED**

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

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Dennise Dryden, City Clerk