

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, July 9, 2014; opening at 7:32 p.m. Mayor Zubrzycki presided over the Pledge of Allegiance.

Present: Dzenko, Lorenz, Meskin, Zubrzycki, Cassar

Absent: None

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

#### APPROVAL OF AGENDA

Moved by Cassar, seconded Dzenko, to approve the City Council Agenda for July 9, 2014, as presented.

Yes: All

No: None

MOTION CARRIED

#### APPROVAL OF MINUTES

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

June 11, 2014 Regular Meeting

July 26, 2014 Study Session

Yes: All

No: None

MOTION CARRIED

#### APPROVAL OF DISBURSEMENTS

Moved by Dzenko, seconded Meskin, to approve the voucher report for July totaling \$200,907.91, as submitted.

June Payroll	\$ 55,410.16	Check #'s	11610-11620 DD1976-DD1998 EFT848-EFT855
Accts Pay-June-July	<u>\$ 145,497.75</u>	Check #ø	47693-47738
		EFT	
Totaling	\$ 200,907.91	ACH	

Yes: All

No: None

MOTION CARRIED

### ACCEPTANCE OF REPORTS

Martin stated he will email the DPW and City Attorney's report to City Council.

Mayor Zubrzycki received the Police report for June and asked that it be placed on file.

### COMMITTEE REPORTS

Zubrzycki announced the Parks & Recreation Road Rally is July 19<sup>th</sup>. Everyone should join the fun.

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

#### **CE-002-14**

Larry Jack addressed the property at 2358 Garland. He provided pictures and stated this is an ongoing issue for the last year and now it is a health concern. There is standing water in the basement, the fence is not very secure and an odor is also coming from the property. He would like to see the city do something about it.

Katherine Lamar agreed it has been a year with this property. Her fence is being pushed in against her deck because the dirt from this property is being pushed with every rain storm. She is concerned with encephalitis. She can no longer sit on her deck because of the odor and she is concerned with west Nile. She would like to know what is happening with this property to get it cleaned up.

David Semak agreed the property is an eye sore and the fence is not secure and won't keep anyone or thing out. It is not good for the neighborhood.

Mayor Zubrzycki thanked everyone for their comments and asked them to contact the City Manager in the future; he will be giving an update on it under his comments. There are limits as to what the city can do.

MaryAnn Smith recalled a conversation two months ago regarding this property. She stated it has to stop. She would like to see the Health Dept. on it because of the smell, encephalitis and west Nile.

Jim Smith stated it is no longer a construction or permit issue. It is a health and public nuisance issue. He hopes it will receive attention from all of council.

Jim Endres complimented Council on the presentation last night at the Tri-City Fire Board meeting.

## CITY MANAGER COMMENTS

### Fireworks

The Fireworks were wonderful again this year. A big thank you to the OCBC for their time and effort organizing them again this year. The City had 19 police officers on duty for the night. There were only a few minor incidents. They towed 12 cars due to parking issues, one disorderly and one more traffic incident after the fireworks. There were very few complaints about consumer fireworks being discharged, but the officers could not catch them. Martin has heard from others that the fireworks being discharged is an issue and people are not happy with the laws. Unfortunately, the City can only regulate them so much. They are legal the day before, the day of and the day after a national holiday, within the time constraints.

### Park and Summer Issues

There were a few issues with boats, trailers, the gates on Ferndale, a couple complaints about the lack of sand at the Lakeview beach etc. Martin requested a great presence around the park areas, but they have been receiving calls that pull the officers away. We've issued a couple tickets and taken a couple ramp keys.

### Racks on DTE property

**C4-003-14**

The racks have not been removed and Martin has not received any additional information from DTE regarding them. The city, along with Bloomfield Township, is in the process of beginning litigation against DTE for violating their recent agreement with Sylvan Lake and the Township. Our City Attorney can expound on that as he sees fit.

### DTE Outages

**C4-004-14**

Martin has not received the information requested regarding the power outages. He has sent a follow-up email to Michael Palchesko regarding the requested information. He expounded on the issue of power outages, what damage short term outages cause and questioned why they are not tracked. Even an outage of a few seconds can cause great damage. Martin has also asked for the name of the DTE personnel that he should address a formal complaint to, along with an invoice for the cost of installing our generators due to the to-frequent outages and undependable power supply.

### HAWK Light Ribbon Cutting Ceremony

**RT-003-14**

The ribbon cutting ceremony was well attended. We had representatives from Oakland County, the RCOC, FCRT, UPS, our City Council, residents and trail users. After the thank you's and brief history, we stopped traffic for the ribbon cutting at the cross walk. He again gave a big thank you to all that were involved in making the crossing a reality.

### August Primary Election

There will be a Primary Election on August 5<sup>th</sup>. In addition to the normal primary voting to determine who will be on the November ballot, there is the ballot proposal on personal property tax (PPT) reform. This is endorsed by the MML and Martin supports it too. It is Martin's opinion that

the ballot language is very confusing to the point of people not knowing what they will be voting for. It will take a lot to adequately inform the voters. Please get the word out that this is a good proposal and we endorse it.

#### City Council Petitions

There will be one City Council seat, up for election this fall. If you want to be placed on the ballot for the November election, you must come into City Hall to get a petition and have it returned with the required signatures by 4:00 p.m. August 5<sup>th</sup>.

#### Quarterly Investment Report

**F-006-14**

Clerk/Treasurer Dryden passed out the latest quarterly investment report. It will look very different. She did a wonderful job creating graphs and charts to show where our funds are invested. On the back of the page is more detailed information. If you have any questions, please email Dennise. If you do, she won't be able to get back to you very quickly because she is going out of town next week.

#### Annual Audit

We will begin the annual audit soon. This is always an interesting time trying to get our end-of-year work done, projects that need to be done in the summer and preparing for fall.

#### Community Center

**CC-005-14**

Martin is working on getting quotes for the expansion of the Community Center storage. Martin is pleased with the new doors on the storage area.

#### Planning Commission Training

**A-005-14**

He will be holding training for Planning Commission on Wednesday, July 23. Our attorney, Tom Schultz will conduct the training. This will be considered training and not a meeting.

#### Building and Zoning Plans

**CE-003-14**

Plans keep coming in. For the house on Garland that keeps coming up, Martin has completed nine plan reviews for the property. He did conditionally approve a plan that was emailed. However, when they brought in the hard copies for official approval, they were not correct. He agrees it is beyond a building permit issue. Martin does feel a little bit for the owner, although some was brought on by him. The building inspector is on top of it also. The City is looking at our legal options also. If something doesn't happen within the next week or so, the building inspector has told the owner he will have to tear everything down and fill it in and put grass down. Martin stated the city has treatment to put in our catch basins, for safety reasons the city will go treat that standing water. The city should not be doing this. Martin has asked Mr. Prendushi to clean up the property. They had a dumpster brought in, but that is all. Dzenko recalled Martin mentioning in past meetings about having them put up chain link fence. Martin stated the building inspector said the orange fence that is up is what is required. Martin shared the problem for the city is we just can't go on someone's property. Mayor Zubrzycki asked if the ordinance officer could write a ticket to the homeowner.

Martin stated he could but that could elongate the problem because then there are courts dates and time to respond. He added the building inspector who is also the building official is working on those safety issues. Martin asked the audience to write him of email of what they said tonight and he will forward them to the building official.

#### Public Hearing at Planning Commission

A Public Hearing will be held immediately prior to the Planning Commission meeting on August 5 at 7:00 p.m. The purpose of the public hearing is to receive input on the proposed setback ordinance for lakefront properties. We will be proposing an overlay district for certain areas of residentially zoned property relating to setbacks to Sylvan Lake. They will also be discussing a light ordinance, although this ordinance is not a zoning ordinance so it would not require a public hearing.

#### COUNCIL COMMENTS

Dzenko understands everyone's stress with the Garland property. The fireworks were great. He liked the police out in force and he is glad of council's decision to not allow the sale of glow items. He did get a complaint from a resident regarding the bikes that went through the city with all the lights on them; they parked in front of a resident's home with all their lights and music going. They spoke to the police about them, but were told they were just having fun. Dzenko would like to see a newsbyte go out to inform residents of the regulation of when fireworks are allowed and the fines for violating.

Cassar agreed with Dzenko's comments on the fireworks and Garland property. He added residents should email Martin because he is on top of it. Cassar shared at the Tri-City Fire Board meeting the Fire Chief mentioned changing the code to allow using Chinese lanterns. Martin clarified right now according to the fire code they are not allowed. The Fire Dept. is asking us to put that in our code. Cassar would recommend doing this. Cassar also shared Friday at the Community Center they are holding a fund raiser that benefits the wounded warrior project. Everyone is welcomed. There will be food and prizes. Tickets are available at the door.

Lorenz thanked the Oakland County Boat Club and anyone who donated to the fireworks. The police and everyone involved did a great job. He supports everyone writing to Martin regarding the Garland property. He suggested all of council take part in this too.

Meskin stated the fireworks were very nice and he will relay to the Commodore how much everybody liked them. He stated on the agenda for discussion next month is no parking on Garland. He would also like to discuss changing the voting to even years. Meskin stated in years past the city would put sand at the beach and let the kids spread it out. He asked if this could be done again. Martin stated it was done this year again.

Zubrzycki welcomed everyone and appreciated their comments. He stated it is always best to put

complaints in writing. He asked for clarification on the even year voting. Attorney Schultz explained it would be for council and city issues only. You could still hold a special election in the odd year if they wanted to. Zubrzycki thanked the Oakland County Boat Club for the fireworks. He received positive feedback on them and the police presence and traffic control. He hopes they can get something done soon with the house on Garland. Zubrzycki announced Jim Endres is running for Pontiac School Board. He hopes all residents will get behind him and support him. He is a huge advocate for the city and appreciates his enthusiasm. Zubrzycki mentioned the sand at the beach goes into the lake and asked if that ever gets scooped out. Martin stated it does get scooped out but they can't use again. He thanked Martin for following up with DTE on the power outages. He feels the city will probably have to go to the Michigan Public Service Commission to file a formal complaint. He would be happy to work with Martin in drafting a letter.

## **ACTION ITEMS**

a. Discussion of Tri-City Fire

**FD-005-14**

Martin explained a few things council has been discussing, how the costs are spread between the three cities. They are spread evenly. This goes back to 1968 when they first joined to make the Tri-City Fire. Things have change among the three cities since 1968 which makes the one-third share not fair anymore. No matter how you look at it, whether it is tax value, which is how we all pay for our services. Council looked at tax value, number of runs, number of households, number of residents, the area of the city, and how many miles of streets; no matter what Sylvan Lake is about 25% of the total, at the most. He further explained City Council directed him to send a letter to the Tri-City Fire Board and the other two cities saying we would like to address this split and make it a little more equitable. There was a meeting last night. Mayor Zubrzycki made a power point presentation and did a great job explaining it and where they were coming from. Even with all the interruptions, which Martin found disappointing. It was received by the board and other members cordially. He doesn't know if anyone was excited as to what Sylvan Lake had to offer. He feels some of it may not have been understood. It will be on the Tri-City Fire Board agenda again in October, but it is not really a Fire Board issue; it is a three city issue and those councilors would have to approve whatever is done. The other two issues discussed were, there is some money in the fundbalance with the Tri-City Fire Dept. from years ago. It is just sitting there and not being used. Council feels there is no reason for it to sit there; they could put it to good use. The last issue was, now that we have a contract with West Bloomfield Twp for fire services Council is not sure of what the necessity is of having the Tri-City Fire Board. When the three cities were running a fire department it was important. Now each city has a contract with West Bloomfield Fire Department through the Tri-City Fire Board, Council feels this is a body that is not really necessary.

Mayor Zubrzycki agreed Sylvan Lake is overpaying compared to the other two communities. The one question he found interesting was he asked what the budget was back in 2003 when Tri-Cities went with West Bloomfield. They said it was \$11,000,000. They added 24 bodies and opened two

more stations, manning them with 12 full-time each. Zubrzycki calculated that around 2.5 million to get up and running. Their budget this year is \$15 million. Our costs started out at \$550,000 for the three cities. It is now up to \$876,000. He feels they are still getting a good value and good level of service, but it is no longer reasonable for Sylvan Lake to subsidize the other two communities.

Cassar stated the increase in the budget wasn't just for the Tri-Cities, but we are pitching into that increased cost.

Zubrzycki explained the contract isn't up for another five years so they have five years to work out a more equitable distribution.

Jim Smith agreed with Martin with the Chairman allowing the interruptions during the presentation. He felt it was entirely out of place. Smith was confused with the guy from SEMCOG and what his perspective was. He wasn't sure if he was talking in a professional capacity or personal. He noted the comment which the Fire Chief shared with Keego Harbor's new Adult Foster Care Facility going in and it will be a high danger which will require a 24 person response to every single alarm. That means more unfairness of the fees for Sylvan Lake.

Jim Endres felt the guy from SEMCOG should have provided copies of what he was talking about so everyone could understand him. Meskin explained Dave Boerger, Chairman of the Tri-City Fire Board, works part-time at SEMCOG. Zubrzycki further explained Boerger was trying to emphasize that all three communities are still getting a good deal based on per capita. Even comparing to the average in Oakland County at \$132 per capita we are \$161, we are still overpaying. The one data fact Zubrzycki shared was the rating; the three communities has an ISO rating of 3 and West Bloomfield has ISO rate of 4 so three cities is rated better than West Bloomfield. It is the best in the area for level of service and quality of service.

Meskin did note that the Mayor from Keego Harbor did share that the new facility would have its own ambulance service for the facility.

b. Discussion of Seawall

**L1-004-14**

Martin stated Council has all been provided photos from Cassar of the seawall. Martin did talk to Aron at Seaside Seawalls and he said that one wall was not his. Cassar talked to the property owner again and confirmed it was Seaside's. Martin would not have a problem getting an estimate from a different company for steel if that is what council is thinking. Zubrzycki reviewed based on their last conversation they were favor of galvanized steel. Cassar would like to look at vinyl with a steel capping. Cassar feels stone is the way to go, but if money is an issue then he would like to investigate the vinyl.

Moved by Meskin, seconded Dzenko, to direct the City Manager to get quotes for galvanized

steel seawall using 12 foot sheets for approximately 750 feet.

Zubrzycki stated for him it is about price. He feels there is not enough field data for the stone. He feels galvanized steel is the way to go. Dzenko agrees galvanized steel is way to go. Lorenz doesn't feel they have finished the discussion on the type wall to use. He would like to look into the vinyl.

Moved by Meskin, seconded Dzenko, to amend the motion to include getting quotes for vinyl.

Jim Endres feels Council has done a great job looking at all the different types, but now they need to stop and make a final decision to do it.

Lorenz questioned Rosetta saying they would remove the old concrete wall and Seaside said DEQ won't allow that. He is not sure what is true. He feels with the old wall there they and they install whatever material it will continue to push forward. He would like to see the old wall removed in its entirety. Rosetta quoted \$30,800 to remove it. Zubrzycki reviewed they want to get a line item quote to remove the old wall completely. Dzenko doesn't agree that they should take it out. He is ok with getting the quote for it.

Mayor Zubrzycki called for the vote to direct the City Manager to get quotes for galvanized steel and vinyl seawall, using 12 foot sheets for approximately 750 feet and also ask to breakout the cost to remove the old seawall.

Yes: All  
No: None

**MOTION CARRIED**

### **NON-ACTION ITEMS**

- a. Security for Ferndale Park, Restroom and Boat Launch
- b. TOC "No Parking" Garland Blvd
- c. Boat Dock Fee Schedule
- d. Community Center Storage and Furniture

Lorenz requested putting Boat Dock Fees on the next study session agenda.

### **ADJOURNMENT**

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

Yes: All

No: None

**MOTION CARRIED**

The meeting was adjourned at 9:07 p.m.

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Dennise Dryden, City Clerk