

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, June 11, 2014; opening at 7:30 p.m. Mayor Zubrzycki presided over the Pledge of Allegiance.

Present: Zubrzycki, Cassar, Dzenko, Meskin

Absent: Lorenz

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

APPROVAL OF AGENDA

Moved by Dzenko, seconded Meskin, to approve the City Council Agenda for June 11, 2014, as presented.

Yes: All

No: None

MOTION CARRIED

APPROVAL OF MINUTES

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

May 28, 2014 Public Hearing and Regular Meeting

Yes: All

No: None

MOTION CARRIED

APPROVAL OF DISBURSEMENTS

Moved by Meskin, seconded Cassar, to approve the voucher report for June totaling \$99,225.71, as submitted.

May Payroll	\$ 46,549.70	Check #'s	11603-11609 DD1956-DD1975 EFT839-EFT847
Accts Pay-May-June	<u>\$ 52,676.01</u>	Check #s	47671-47692
		EFT	754 (E) - 764 (E)
Totaling	\$ 99,225.71	ACH	765 (A) ó 769 (A)

Yes: All

No: None

MOTION CARRIED

ACCEPTANCE OF REPORTS

Mayor Zubrzycki received the DPW, Police and City Attorney's reports for May and asked that they be placed on file.

COMMITTEE REPORTS

Jim Endres reported there are a lot of events going on and residents should watch them on channel 15 and 99. Also the events are online on demand.

RT-002-14

Helen Jane Peters announced there is a ribbon cutting ceremony Thursday June 19th, at 10:00 a.m. for the Hawk signal. She thanked the Friends of the Clinton River Trail for \$13,000 donation and the UPS Grant. Both will be recognized at the ceremony. Pete Peters thanked everyone who played a role in getting this accomplished. Jim Endres added it will be recorded and put on cable.

BRIEF PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

PR-005-14

MaryAnn Smith reviewed last meeting seawalls were discussed. Her husband Jim sent an email to the City Manager and City Council regarding preserving the beach. They feel it has washed away 10 feet in the last 20 years. She reported Martin replied to the email and said it has only been inches, but she doesn't agree. She suggested using some of the Rosetta stone at this area and protecting the houses on Ferndale and boat docks.

C4-014-14

Neil Friedman asked what is going to be done about the Oakland County Boat Club shooting off the Roman candle again. Mayor Zubrzycki stated they are aware of it. Pete Peters stated it has been happening for many years and they are not being a good neighbor. He feels they need to be spoken to about being a good neighbor. Residents have complained in the past and nothing has happened.

Annette Meskin asked how the public would know about new ordinances that are passed. Martin replied, they are published in the paper and posted at Ferndale Park, the Community Center and at City Hall. Also a newsbyte was sent out. MaryAnn Smith suggested doing a newsletter with items passed during the last period.

CITY MANAGER COMMENTS

OCBC

C4-014-14

Martin agreed with all the comments. He shared the Oakland County Boat Club has been spoken to, but we all know in life we can't make anyone do anything. The police can respond when they are making the violation and give them a ticket, but it doesn't guarantee they won't do it again. We want

good communication with them to express how disappointed we are.

DTE

C4-002-14

Another good neighbor issue. Recently DTE installed four storage racks on their property not too far off the trail. The racks were installed without approval and violate our ordinance and agreement. A letter was sent to DTE. Unfortunately, it was sent to an old address by mistake so they didn't get the letter. Martin did meet with Mike Palchesko from DTE last Tuesday. Palchesko had not received the letter because of the address and Martin provided a copy for him and told him they needed to come down. Martin gave them two weeks from that day. Also they are welcome to apply for a Site Plan review if they choose to install them at a later date. There are height restrictions and they would need to be screened. Palchesko stated he would convey this information. While Palchesko was there Martin questioned him also discussed with him the power outages. About a month ago, he requested information from DTE regarding excessive power outages in the City, specifically Oakwood Street, Garland and Avondale where the lift station is and City Hall. Martin was sent an email explaining Garland at Avondale and City Hall, but not Oakwood. Martin discussed the outages with Palchesko and told him he wanted a copy of the report. He said there really isn't a report so Martin told him he needed the explanation in writing. Palchesko was leaving to go out of town and said he would forward Martin the information when he returned. Martin will forward it to City Council once he receives it.

HAWK Light ribbon cutting ceremony

RT-002-14

There will be a ribbon cutting ceremony next Thursday at 10:00 a.m. with the ribbon cutting at 10:30 where the trail crosses Orchard Lake Road. Hopefully we can have a big turnout. A newsbyte was emailed and there are copies of the press release on the counter if anyone would like to take one. Martin feels it was a blessing in not getting the grant approved for the median crossing. This is a much better/safer way for people to cross. He did send an email to the Friends of the Clinton River Trail thanking them.

August Primary Election

E-001-14

There will be a primary election on August 5th. The last day to register to vote in the August primary is July 7th. In addition to the normal primary voting to determine who will be on the November ballot, there is the ballot proposal on the personal property tax (PPT) reform, kicked off last month with a series of press conferences and municipalities passing resolutions in support of the proposal, which City Council passed last month. The Michigan Citizens for Strong and Safe Communities coalition is seeking to pass a ballot referendum that would allow the use of a portion of the currently collected statewide use tax to fully reimburse communities for PPT loss. 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.

City Council petitions

There will be one City Council seat up for election this fall. If a resident wants 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 August 5th.

Building and Zoning plans

We are starting to get busy again with plans for additions, some major, decks, and improvements in the right of way etc. This keeps City Hall very busy, but it's a good busy.

CCR

WA-003-14

Martin recently completed the annual Consumer Confidence report and it will be mailed to all water consumers before July. Also this year the city will have to conduct the required Lead and Copper sampling. That will be done in July and August.

Volleyball

There is a volleyball league that has been meeting on Thursday's for a few weeks now. Brian Etter is heading up that group. The weather hasn't cooperated every week, but it's a great time. Unfortunately Martin has missed much more than he has played. Mayor Zubrzycki is great out there though!

Park Rangers

PR-006-14

Park Rangers are out and about checking tags, boat ramp, etc. We've found a few issues this year and we're working on addressing them. Some residents are giving their park tag to non-residents to use. The City has no problem with residents having guests come with them to the park, but they aren't to give their tag away. We're also finding that people using the boat ramp are doing a couple things, either putting their sticker on their boat and then removing it after it's in the water, or keeping it in their glove compartment of the boat and just showing it to the park ranger. So we're working on some ways to correct that on our end and may be coming to Council to amend the park policy to help City Hall.

Police

P1-005-14

The police department is doing great. They have been very busy, but it's all been good. The Reserves are getting very active now that the weather is better. There is one that is spending some time in the parks during the week, which is great. However, this week we lost an excellent young employee to another department. Ryan Racicot took a full-time position with Hazel Park. So, we're going through the interview process again to pick up another one or two part time officers to fill in the gaps.

Employees

A-004-14

Also there has been a change of employees at City Hall. Gretchen quit via text message. Dennise and Kris picked up the job details in the meantime. Monday Nicole Ndjebo started at the front desk and is doing great. Please stop by to welcome her.

Even-year elections

Attorney Schultz was investigating placing a question on the ballot to amend the City Council terms from 3 to 4 years in our Charter. In his conversations with the Attorney General's office, he found we did not need to amend the charter. Instead it could be done by City Council adopting a resolution. Attorney Schultz agreed with what Martin stated and added City Council will need to hold a public hearing and then adopt the resolution. This should be done by the end of 2014 in order to take effect for 2015.

COUNCIL COMMENTS

C4-014-14

Meskin shared he spoke with the Commodore from the Oakland County Boat Club. The Boat Club didn't sponsor the fishing tournament. It was a member of the club. The Boat Club did advise the member last year to stop with the Roman candle. They may take away his membership. Meskin will follow up with the Commodore on this. Zubrzycki asked Martin and Attorney Schultz what is the city's course if it was an individual. Martin stated the individual can be spoken to.

Cassar thanked everyone for being here. He stated the dock area from the beach to the Boat Club can be looked at. He shared he heard this was not the big Fishing Tournament, so there may be another one coming. He commented on the Beacon's article on the front page today about Sylvan Lake and the marine patrol. He felt it was in poor taste for the Beacon to bring up the unfortunate accident and name the father and children. The body of the article from the deputy sheriff was good. Cassar addressed the stickers not being on boats and feels residents shouldn't have to deface their boat with them.

Dzenko shared there is a great video on YouTube explaining how the Hawk Signal works. He hopes everyone will watch it and spread the word. Dzenko asked about the sign ordinance in regards to all the sandwich board signs on Orchard Lake Road. Martin stated it has changed since he was last on council. Council chose to allow them, because the businesses were having such a difficult time, if they are tasteful. Dzenko would like to control this more. Martin agreed it may be time to revisit it. Dzenko stated the fence at the house on Garland on Pontiac Dr has fallen down. Dzenko said there was an article on leaf collection in Beverly Hills. He will pass the article onto Martin. The city may want to research this company that Beverly Hills will be using.

Meskin announced the Tri-City Fire Board will be meeting July 8th at the Community Center at 7:00 p.m. He agrees the beach area and along Lakeview could use some sprucing up. There should be some additional funds available to protect the beach area.

Zubrzycki welcomed everyone. He stated the seawall will be discussed at the Study Session. City Council changed the study session to Thursday, June 26th at 6:00 p.m. Zubrzycki asked Martin if there is some way to know for sure and see if they need to do anything about the beach eroding. Martin stated he has pictures from 1995 and he'd be surprised if it has eroded a foot. The pipe that is

there the city put there. What you can see is the elbow which is at the shore line. MaryAnn Smith interceded and said she spoke with Oakland County today and didn't have measurements that Smith would have liked to have seen, but they have pictures from 2000 to today. She will go there tomorrow to look at them. Martin stated because of the shallowness of that area, a one boulder wall would be sufficient if Council wanted to do something.

Zubrzycki continued he was woke up with phone calls from people on Avondale who could hear the Roman candle. They thought they were gun shots. Zubrzycki thanked Jim Endres for his work with cable and Helen Jane Peters for the new historical boards. Helen Jane stated there was a dedication last Saturday on the trail in Orchard Lake. Zubrzycki agreed the hawk light is a better alternative and thanked City Council for coming up with a good solution. Zubrzycki has heard positive things regarding the Park Rangers. Some things they are missing and asked everyone to report things to City Hall. Lastly he shared on the last day of school his family along Brian Etterø held parties for the kids at the park. They had a trailer parked in the lot and Officer Zuehlk came by and asked them very politely to remove it. They didn't know they were allowed to park the trailer there. He thought it was a very positive experience. Pete Peters asked how they covered the beach tags with all those kids there. Zubrzycki stated there were many neighborhood families which had tags and he borrowed tags from neighbors so did the Blackø, Schultzø and Etterø.

ACTION ITEMS

- a. CDBG 2015-2017 Agreement **B3-001-14 R2-005-14**

Martin stated this agreement is to participate for the next three years. Recently revised requirements have led HUD (Housing and Urban Development) to request that all Cooperation Agreements be amended to more clearly delineate fair housing and civil rights obligations as well as the use of CDBG funds. Sylvan Lake is currently complying with all the items outline in the agreement.

Mayor Zubrzycki asked Attorney Schultz if he has reviewed this. Schultz stated it is a standard document used by all the communities and it would be hard to change. He is good with it.

Moved by Meskin, seconded Dzenko, to approve the Cooperative Agreement with Oakland County regarding the CDBG Program for the years 2015, 2016 and 2017 and adopt the Resolution supporting interest in participating.

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

RESOLUTION ADOPTED

- b. TCO For Fireworks **P1-006-14**

Moved by Cassar, seconded Meskin, to approve the Traffic Control Order for fireworks parking for July 3, 2014 with a rain date of July 12, 2014 as presented.

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

MOTION CARRIED

c. 2013/14 Budget Amendments

F-005-14

Martin reviewed this done annually. The reimbursement for Community Center repairs is an estimate. Everything else is self-explanatory. The Street/Drainage and Water/Sewer Debt service were just allocated incorrectly. The overall total dollars were correct.

Moved by Cassar, seconded Dzenko, to approve the budget amendments for Fiscal Year 2013/14 as presented.

Yes: All
No: None

MOTION CARRIED

R2-006-14

d. Resolution to Extend Deferral Regarding Medical Marijuana Land Use

Martin acknowledged this is a new resolution because there have been some new developments. Attorney Schultz reported there have been several key cases that impact and help guide the manner and extent to which local governments may regulate medical marijuana through zoning ordinances and otherwise specifically a trilogy of Michigan Supreme Court cases that includes two criminal cases *Bylsma* and *McQueen*, from 2012 and 2013, respectively, and the most recent 2014 case, *Ter Beek*, which was a zoning case. Now City Council will need to discuss the ordinance and legal opinions on what they can do.

Mayor Zubrzycki asked Attorney Schultz to provide some ideas what other community doing.

Moved by Cassar, seconded Meskin, to approve the resolution to extend the deferral regarding medical marijuana land uses until July 1, 2015 as presented.

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

RESOLUTION ADOPTED

- e. Mayoral Appointment to the Tri-City Fire Board

A2-006-14

Mayor Zubrzycki stated there are three applicants. Russ Meskin is one of them and has been actively involved in the meetings. Mayor Zubrzycki appointed Russell Meskin and Pete Shelters to the Planning Commission for three years.

Moved by Dzenko, seconded Cassar, to approve Mayor Zubrzycki appointment of Russ Meskin to the Tri-City Fire Board for a two year term ending 6/30/16.

Yes: All
No: None

MOTION CARRIED

Martin shared he did get a response from Orchard Lake and Dave Boerger, but nothing from Keego Harbor regarding the letter they sent out.

NON-ACTION ITEMS

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

ADJOURNMENT

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

Yes: All
No: None

MOTION CARRIED

The meeting was adjourned at 8:39 p.m.

Dennise Dryden, City Clerk