

A Regular Meeting of the Sylvan Lake City Council was held on Wednesday, December 20, 2023, opening at 7:30 p.m. Mayor Cowper presided over the Pledge of Allegiance.

Present: Zubrzycki, Buchanan, Clarke, Cowper, Segal

Absent: None

Also Present: Interim City Manager O'Donohue, Administrative Contractor Martin, Attorney Schultz, and Clerk Dryden

#### APPROVAL OF AGENDA

Moved by Clarke, seconded Buchanan, to approve the City Council Agenda for December 20, 2023, as presented.

Yes: All

No: None

MOTION CARRIED

#### APPROVAL OF CONSENT AGENDA

Moved by Clarke, seconded Segal, to approve the following items on the consent agenda as submitted.

- A. November 15, 2023, Regular Meeting and Executive Session
- B. Disbursement Report, Payroll check #'s 12263-12265, DD5140-5161, EFT1816-1822, STUB225-STUB226; and A/P check #'s 52549-52592, EFT & ACH 3040-3061; TOTALING: \$ 284,449.57.
- C. Acceptance of Public Works and Police Department for November 2023.

Yes: All

No: None

MOTION CARRIED

#### COMMITTEE REPORTS

There were no reports.

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

Mayor Cowper opened the meeting to the public.

There were 8 people in the audience.

Jen Hill stated at the October study session the issue of whether dogs should be permitted on the Lakeview owners land abutting the water was discussed. She is requesting that the City Council repeal the ordinance. She stated she sent a letter shortly after that meeting succinctly outlining the request and the reasons supporting the request. In addition she would like to add the following: Courts have clearly delineated the rights of the parties; first ownership is not an issue. She actually has a deed to the property in her name. The city agreed on its interest and the City Attorney recently explained the city has an easement and the limited uses are set out in the judgment. To permit dogs on the Lakeview owners land exceeds the uses agreed to by the parties. She also added that the city's ordinance is not consistent with its other ordinances regulating the uses. The city doesn't allow dogs in Ferndale Park. It limits their presents at the Community Center and restricts them from areas that are immediately adjacent to the Lakeview land. She feels the issue of the Lakeview seawall does tie in with the dog issue. The city has not in the past maintained the seawall. She had a nine inch hole edged by a sharp rock. She requested that it be fixed, and the fix did not last so she had someone come fix it. Someone could have easily gotten injured, which is the first problem, and she could have potentially had liability. It is also unreasonable for the city to allow dogs on someone's private property. This ordinance is the same as saying that dogs are permitted at a private residence, that say for example 9950 Inverness, which is not actually an address. The city can not just permit residents to use another's land. It can not take land from one to benefit another. This is basic 1776 kind of stuff. The city has been using its ordinance as acting power without consent of the residents whose rights it is infringing upon to put the residents in a position where its choices of action are limited and do not put them in favorable light. We are being forced to have to defend ourselves. She is respectfully requesting that the ordinance be repealed for these reasons as well as she'll state in her letter and that the city put out information via social media and the newsletter publicizing same. There are other issues concerning the lakeview owners' land which do need to be addressed, zoning, seawall, the labeling that have not been addressed in a recent public meeting so she will not address them here. She is available to discuss these matters outside of this meeting.

There were no other comments.

#### CTY MANAGER COMMENTS

Interim City Manager O'Donohue reported the toy drive went well and the toys were delivered. He thanked everyone who participated and Parks & Recreation.

Martin responded to the Lakeview comments. Letters of response are being worked on and will be provided after the new year.

We are very busy at City Hall, working on the same issues, improvements, and projects as mentioned last month. He mentioned last month that we will be trimming and removing some trees in Memorial Park. That will be very soon. He doesn't want everybody to be anxious when they see work starting. Again, that will be very soon. We are still planning on making the drainage improvements to Ferndale Park and updating the Road Right of Way permit application

to incorporate the new ordinance requirements for ditch enclosures. We will be working with the Oakland County Boat Club after the first of the year to rectify a few ongoing concerns. We have updated our Community Events Application and Policy and will be discussing that at a study session soon after the first of the year.

**C1-001-23**

Martin announced the City Council meeting time will be 7:00 from now on, starting with their meeting in January.

Martin shared, Hilary, who worked at the front desk, quit giving us only a two-day notice. That left us in a bit of a mess with permits and especially the election process. We have found a replacement, and we are planning on her starting the second week of January.

In that same week we were told our Community Center cleaning person also needed to quit because of her busy schedule. So, we're in a little bit of a bind.

The leaf collection went well overall. There are always going to be a few weeks in the middle of the collection period when the leaves cannot possibly be collected quickly enough. Thankfully, the weather held out, and everything was cleaned up in time.

We've had a couple of time-sensitive FOIA requests, requiring us to drop what we're doing to get the information to the requester. Other time-sensitive issues are ZBA applications, permit applications, election issues, and lawsuits. We did have to respond to a lawsuit from one of the marijuana groups that was circulating petitions for a ballot proposal. They didn't really meet the requirements to be on the ballot but filed a motion to make us hurry with our response. Their motion to put the question on the ballot was denied. Thank you Tom for successfully defending the City once again in these lawsuits.

Lastly, Martin hopes everybody had a wonderful Thanksgiving. We had a great turnout for cookies with Santa while being serenaded by the Big Chief barbershop chorus, followed by a lovely Tree lighting. The menorah lighting was the following night on the first night of Hanukkah. He hope everybody has great Christmas and Holiday season with family and friends.

CITY COUNCIL COMMENTS

Clarke thanked everyone for coming and stated it is important to be a part of the community. City Council can be contacted by email.

Buchanan shared "Sweet Dreams" received 400 bunny and comforter sets. She thanked everyone for their generous contributions. The tree lighting was fun, and the Big Chief choir was a great addition to the event. Caroling is tomorrow at 5:30 p.m. meeting at the Community Center and ending at Midge's for cocoa and cookies. Game night continues next week, yoga is tomorrow at 6 p.m. and cancelled for December 28<sup>th</sup>, and the book club meeting January 9<sup>th</sup>. She wished everyone happy holidays and healthy new year.

Cowper thanked everyone who has contributed to events and donations. He thanked the Chief for the toy drive. He thanked the Garden club for planting at memorial park. There are other areas in the city that could use planting help from the Garden Club. Contact Feather to join or suggest an area. She has already suggested a number of areas such as Garland and entries to the city. He wished everyone safe and happy holidays.

Segal thanked Jan Hays for the canine calendar. She is grateful for this great city where citizens have created so many citywide events, encouraging people to connect and get to know their neighbors. This has been so successful that City Council has to discuss how to fine tune it by working on guidelines to promote civic engagement and provide privacy and safety. These discussion will take place at the study session and residents are welcome to participate in the discussion. She thanked everyone for coming and happy holidays.

Zubrzycki thanked everyone for the toy drive and tree lighting. He thanked Luke Cassar and his team for lighting the huge tree. Zubrzycki shared that he did read the auditor's letter and noted there were no material deficiencies. He thanked Dryden for keeping the books in order. He wished everyone a Merry Christmas, Happy Hanukkah, and Happy New Year.

## **ACTION ITEMS**

a. 2024 GWBCCC Budget

**C3-001-23**

Dave Albery explained currently each community receives 7% of the gross revenue from cable providers. Of the 7 percent, 2 % is restricted to cable-related uses and allocated to their shared cable joint venture fund and the remaining 5% is deposited into each community's general fund. Due to technological advancements in streaming media, the proliferation of the internet, social media, and other factors, traditional cable subscriptions are declining. This trend is expected to continue. The GWBCCC is proposing that the Greater West Bloomfield communities allocate an additional .5% of cable operators' gross revenue (10% of the 5 percent) to the Cable Joint Venture Fund. He asked Dave Scott to communicate their outlets, services, and the way they communicate with the public.

Dave Scott provided current services the cable commission provides: Civic Center TV on Channel 15 Comcast, programs air live on AT&T Channel 99 and On-Demand at CivicCenterTV.com. Civic Center TV also publishes live and on demand content on YouTube and Facebook and is simulcast 24 hours a days, 7 days a week, on 89.3 Lakes FM. According to Google Analytics 3,500 unique viewers visit live and on demand programming; 35,000 visited globally. They provide community event coverage and promotions. Issues that impact our community and offer helpful insights.

Zubrzycki stated AT&T is moving away from cable and that will affect the revenue. Albery stated the numbers keep going down as people go to streaming products.

Segal asked what the 5% will equate to in dollars that will come out of the city's general fund. Albery estimated based on 2022 figures around \$3,800 for the year.

Zubrzycki asked where in the general fund the 5% will come from. Martin stated there is a revenue line for the funds coming in and well pay out of these funds.

Moved by Zubrzycki, seconded by Buchanan, to approve the agreement the Greater West Bloomfield Cable Communications Commission budget for 2024 as presented.

Yes: All  
No: None

MOTION CARRIED

**b. City Manager Agreement**

**A-002-23**

Mayor Cowper reviewed what has been done and where they are going with the City Manager. He shared Martin formally retired this last July. He left the city's employment and started taking his retirement. Because City Council wasn't done with the skill sets Martin provides they contracted with HRC, where Martin is employed at, to provide these services and complete some projects. Corey O'Donohue was named interim City Manager. Everything has worked fine, but it has not been ideal with the lack of clarity on who to talk to and email confusion. Before City Council is a proposal to bring Martin back as City Manager, It is a two-year contract with the option to extend. It also says that Martin will help with the succession planning process for naming a successor. The contract has been review by the City Attorney, Zubrzycki, and Mayor Cowper.

Zubrzycki thanked Martin for agreeing to come back and help them work on a succession plan. He thanked O'Donohue for stepping in as interim City Manager. Cowper thanked Martin for his leadership.

Moved by Buchanan, seconded Zubrzycki, to approve the City Manager wage and benefit agreement with John Martin as presented.

Yes: Segal, Zubrzycki, Buchanan, Clarke, Cowper  
No: None

MOTION CARRIED

**c. Adjourn to Executive Session to Discuss Collective Bargaining Negotiations**

Moved by Clarke, seconded by Buchanan, to adjourn to executive session to discuss collective bargaining negotiations.

Yes: Buchanan, Clarke, Cowper, Segal, Zubrzycki  
No: None

**MOTION CARRIED**

The meeting adjourned to closed session at 8:04 p.m.

At 8:12 p.m. City Council reconvened the regular City Council meeting.

d. Collective Bargaining Letter of Agreement **P1-005-23**

Moved by Clarke, seconded by Buchanan, to approve the letter of agreement with the Police Officer's Labor Council as presented.

Yes: Clarke, Cowper, Segal, Zubrzycki, Buchanan

No: None

**MOTION CARRIED**

**ADJOURNMENT**

Moved by Zubrzycki, seconded Buchanan, to adjourn the regular City Council Meeting.

Yes: All

No: None

**MOTION CARRIED**

The meeting was adjourned at 8:13 p.m.

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Dennise Dryden, City Clerk