



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, AUGUST 21, 2018
7:30 P.M.**

The Meeting was called to order at 7:30 p.m. by Mayor Ackley.

Pledge of Allegiance led by Mayor Ackley.

Invocation led by Mayor Pro Tem Owsinek.

ROLL CALL: Mayor Ackley, Mayor Pro Tem Owsinek, Council Member Ambrose, Council Member Costanzo, Council Member Loch, Council Member Lublin, Council Member Robertson

There being a quorum present, the meeting was declared in session.

OTHERS PRESENT: City Manager Whitt, Assistant City Manager Pesta, Police Chief Shakinas, Fire Chief Coomer, Finance Director Barlass, City Attorney Vanerian, and City Clerk Stuart

REQUESTS FOR AGENDA CHANGES:

Council Member Costanzo requested an update on the SMART bus services be added to the agenda.

Mayor Ackley instructed that this discussion be held under council comments.

APPROVAL OF THE MINUTES:

1. Regular Council Meeting of June 19, 2018

CM 8-1-18 TO APPROVE THE JUNE 19, 2018 REGULAR COUNCIL MEETING MINUTES

Motion by Robertson, seconded by Ambrose, MOTION CARRIED: To approve the June 19, 2018 Regular Council Meeting Minutes.

Roll Call Vote

Yes (6) Ambrose, Loch, Lublin, Owsinek, Robertson, Ackley
No (1) Costanzo
Absent (0)
Abstain (0)

(6-1 MOTION CARRIED)

2. Regular Council Meeting of July 17, 2018

**CM 8-2-18 TO APPROVE THE JULY 17, 2018 REGULAR COUNCIL
MEETING MINUTES**

Motion by Lublin, seconded by Loch, UNANIMOUSLY CARRIED: To approve the July 17, 2018 Regular Council Meeting Minutes.

Roll Call Vote

Yes (7) Costanzo, Loch, Lublin, Owsinek, Robertson, Ambrose, Ackley
No (0)
Absent (0)
Abstain (0)

AUDIENCE PARTICIPATION:

Cheryl Flammer 3557 Clark Circle – said she was a representative of the Lakes Area Community Foundation and Banks Dolbeer Historic Home and spoke about a railroad historic site tour event scheduled for September 29, 2018 and the Banks Dolbeer Historic Home is a stop along the tour.

Tim Moore, 257 Neptune – Stated that most of the people know him. He explained that his name is Tim Moore and he lives at 207 Neptune and but is moving to 369 Decker. Mr. Moore said he didn't know if the Council knew what was going on as far as the building department and how things go but in June he wrote a letter to the Oakland County Road Commission about a tree that is on his new driveway area and he brought a copy of that letter to City Hall. Mr. Moore said he mailed the letter about the tree to the Oakland County Road Commission and received a response from the Oakland County Road Commission, but he had not heard anything from Walled Lake.

Mr. Moore stated that there had already been an accident at that location and there's been numerous close calls there because of people trying to get in and out of his driveway. Mr. Moore stated people are not used to the new driveway being there. Mr. Moore stated that the facts are that the 35 MPH speed limit is ignored, and he wanted to bring the problems to the attention of Council. Mr. Moore stated he was having furniture delivered to his house Friday before he had a certificate of occupancy, so he wanted that as soon as possible. Mr. Moore thanked Council for listening.

COUNCIL REPORT:

Council Member Lublin said he was voted the new treasurer of the Lakes Area Community Foundation at their last meeting.

Council Member Ambrose explained the City's Banks Dolbeer Committee members held a meeting and are trying to schedule a walk through for a list of items to address on the structure.

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

a. Police

b. Fire

c. Finance

-Warrant Report #8-2018

- Investment Report June 2018

CM 8-3-18 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: To receive and file the monthly Departmental / Divisional Statistical Reports.

Discussion

Council Member Costanzo explained that he didn't know what the \$8,700 in charges was for and these charges were listed on page 68 of the council packet.

City Manager Whitt explained to Council Member Costanzo he himself had voted to approve the \$8,700 charges as part of the unanimously approved prior resolution 2018-20.

City Manager Whitt instructed city staff to forward to Council Member Costanzo another copy of the resolution 2018-20 for which he voted.

Roll Call Vote:

Yes (7)

No (0)

Absent (0)

Abstain (0)

Loch, Lublin, Owsinek, Robertson, Ambrose, Costanzo, Ackley

City Manager Whitt explained he had made appointments to public offices and requested Council's approval. Manager Whitt stated those offices included new appointments to the Office of City Treasurer and City Finance Director.

City Manager Whitt introduced the City Treasurer, Mrs. Sandra Barlass as his appointment to the Office of City Finance Director.

CM 8-4-18 MOTION TO APPROVE RESOLUTION 2018-37 A RESOLUTION CONFIRMING THE CITY MANAGER'S APPOINTMENT OF SANDRA BARLASS TO THE OFFICE OF FINANCE AND BUDGET; PROVIDING FOR THE EXERCISE OF POWERS AND AUTHORITIES OF THE CITY FINANCE DIRECTOR

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2018-37 a resolution confirming the City Manager's appointment of Sandra Barlass to the Office of Finance and Budget; providing for the exercise of powers and authorities of the City Finance Director.

Roll Call Vote

Yes (7) Lublin, Owsinek, Robertson, Ambrose, Costanzo, Loch, Ackley
No (0)
Absent (0)
Abstain (0)

City Clerk Stuart provided the ceremonial Oath of Office.

City Manager Whitt introduced Assistant City Manager, Mrs. Chelsea Pesta as his new appointment for Office of City Treasurer. Mr. Whitt explained Mrs. Pesta has prior experience as Deputy Treasurer and Treasurer for the Resource Recovery and Recycling Authority of Southwest Oakland County (RRRASOC).

CM 8-5-18 MOTION TO RESOLUTION 2018-38 A RESOLUTION CONFIRMING THE CITY MANAGER'S APPOINTMENT OF CHELSEA PESTA TO THE OFFICE OF CITY TREASURER; PROVIDING FOR THE EXERCISE OF POWER AND AUTHORITIES OF THE CITY TREASURER

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: To approve resolution 2018-38 a resolution confirming the City Manager's appointment of Chelsea Pesta to the Office of City Treasurer; providing for the exercise of powers and authorities of the City Treasurer.

Roll Call Vote

Yes (7) Owsinek, Robertson, Ambrose, Costanzo, Loch, Lublin, Ackley
No (0)
Absent (0)
Abstain (0)

City Clerk Stuart provided the ceremonial Oath of Office.

City Manager Whitt introduced Ms. Miranda Gross as the City Clerk's appointment to Deputy City Clerk for Elections. Mr. Whitt explained Ms. Gross has participated in the City's election processes and is in her third year of the Michigan Municipal Clerks program.

CM 8-6-18 MOTION TO APPROVE RESOLUTION 2018-39 A RESOLUTION CONFIRMING THE APPOINTMENT OF MIRANDA GROSS AS DEPUTY CITY CLERK FOR ELECTIONS; PROVIDING FOR THE EXERCISE OF POWERS AND AUTHORITIES OF THE CITY CLERK

Motion by Loch, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve resolution 2018-39 confirming the appointment of Miranda Gross as Deputy City Clerk for Elections; providing for the exercise of powers and authorities of the City Clerk.

Roll Call Vote

Yes (7) Robertson, Ambrose, Costanzo, Loch, Lublin, Owsinek, Ackley
No (0)
Absent (0)
Abstain (0)

City Clerk Stuart provided the ceremonial Oath of Office.

City Manager Whitt instructed that Deputy Clerk Gross and Assistant City Manager Pesta to provide an update on the Highland Township contract negotiating of joining the two community's SMART programs.

Assistant City Manager Pesta explained the contract was provided to SMART a while ago and it is in their hands for review. Mrs. Pesta explained Highland is an opt-out community and the City of Walled Lake is an opt-in. This affects the funding and SMART is working with their legal department to adjust terms and definitions.

Deputy Clerk Ms. Gross explained the city had inquired about a status update and SMART management had replied it will not be any time soon.

City Manager Whitt explained the City is protecting the City's riders and until all signers of the contract are satisfied with the contract it will be open for negotiation.

2. Presentation from Office of City Manager – Tri A Neighborhood Infrastructure Cost and Options

Mr. Bradd Maki, Boss Engineering the City's consultant engineer explained the financial figures as requested by Council of the four options presented last month. Mr. Maki explained the first open house meeting was proposed for September 10th and to host the first required public hearing

at the next regular council meeting of September 17, 2018, then host another open house October 26, 2018 with preliminary construction plans, and at the regular scheduled council meeting of November 5, 2018 provide status presentation to City Council. Mr. Maki explained these tentative dates were selected to keep the timeline moving for the 2019 start date for construction. Council Member Costanzo asked where the September 10th meeting location would be. Assistant City Manager Pesta said it will be at the Walled Lake fire hall.

Mr. Maki explained the estimated costs for options 1-4. Option 1 is the lowest cost option with curb placement cost is \$4,068,000 million if sidewalk to be included cost is \$4,585,000 million dollars. Option 2 provides bike lanes with cost option \$4,279,000 and with sidewalk cost is \$4,795,000. Option 3 provides parking on one side with cost option of \$4,355,000 and with sidewalk cost is \$4,872,000. Option 4 provides parking on both sides with cost option \$4,611,000 and with sidewalk cost is \$5,128,000.

Mayor Pro Tem Owsinek asked if option 4 would requires a taking of the right of way or does the City have the right of way. Mr. Maki explained 60 feet is the City's right of way.

Council Member Costanzo asked if option 4 will be shortening someone's property that they assume is theirs. Mr. Costanzo opined people will perceive this as the City is taking their property. Mr. Maki explained it is the City's right-of-way and it would be explained to the residents.

Council Member Robertson asked if the individual costs will be discussed during the open house meeting. Mr. Maki explained the figures would be discussed at the City Council public hearing, the open house is for question and answers.

Council Member Lublin explained Council needs to be ready to answer the cost questions.

Council Member Costanzo said beyond option 1, the other 3 options require expansion of the road and the public needs to understand these areas are the City's right of way not their personal properties. Mr. Maki confirmed the widening is into the City's right of way.

City Manager Whitt said not doing the project is an option. Manager Whitt opined it is Council's responsibility to make the public aware and provide information and the cost is going to be enlightening and explained the issue for Council is the City is older, the standards were different then, and the infrastructure is in desperate need of repair. Manager Whitt explained many people want the repairs, but some do not want the additional cost.

Mr. Maki explained the drainage to Area H is already there and the City is working with the DEQ for permits to address the drainage to Area H.

Mayor Ackley asked if Council wanted to approve the dates as outlined in Mr. Maki's presentation.

Mr. Maki explained the September 10th meeting and October 26th meeting will be an open house format.

**CM 8-7-18 MOTION TO APPROVE SCHEDULING OF THE PROPOSED
TIMELINE AND APPROVE ADMINISTRATION TO ESTABLISH
THE TIMES AND SEND NOTICES**

Motion by Lublin, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve scheduling of the proposed timeline and approve administration to establish the times and send notices.

Roll Call Vote

Yes (7) Ambrose, Costanzo, Loch, Lublin, Owsinek, Robertson, Ackley
No (0)
Absent (0)
Abstain (0)

Finance Director Barlass explained the potential special assessments for this project began during the budget workshop sessions earlier in the year and for discussion purposes only she provided estimated figures for the four proposed options. Mrs. Barlass explained there are different options for determining the spread of the special assessment to each parcel. Mrs. Barlass explained for Option 1 with a 20-year special assessment duration divided equally between each of the 100 parcels the additional amount of \$2,035 would be added to the property owners' taxes or if divided by the property's frontage the average additional cost would be \$1,825 added to the tax roll.

Council Member Lublin explained the \$4 million dollars does not include the water rate increase that affects every user in the City which is estimated to generate approximately a million dollars towards the water main repair.

Finance Director Barlass explained the process as per the City Charter of creating a special assessment district; there needs to be two public hearings, then the City Assessor needs to provide the special assessment roll for public viewing, and the final phase is the vote of City Council to establish the special assessment district. Mrs. Barlass explained that financing would have to be in place before the project began.

City Manager Whitt explained if City Council were inclined to finance the project it should be for the longest amount of time to help the taxpayers. Manager Whitt explained this infrastructure deficiencies have not been dealt with for years and is a legacy that the current City Council has to deal with.

3. Contracted Services for Code Enforcement and Inspections

City Manager Whitt explained the City does not have a building department as previously suggested by speaker, but that the City has consulting inspectors. Manager Whitt explained in recent weeks the City received a resignation in the area of Code Enforcement and the question is whether it is feasible to contract out for these services. Manager Whitt explained that the Police Department is currently providing code enforcement.

Police Chief Shakinias explained different area communities were reviewed for their code enforcement practices, including the City of Wixom. Chief Shakinias asked for a quote from that company for code enforcement services and they responded with \$54/hr.

City Manager Whitt explained due to the high cost the police will remain, at this time, performing code enforcement. Manager Whitt asked Council for direction and explained there are cost and control issues.

Mayor Ackley asked what the hourly rate was for the prior City employed code enforcement staff. Chief Shakinias replied approximately \$26/hour without taxes technically \$22.00/hour.

City Manager Whitt explained his experience with contracted services and it starts with code enforcement with the potential to move into building inspection services if larger projects move forward. If there is a development in the future contracted services will be necessary.

City Manager Whitt complimented City Clerk Stuart, Assistant City Manager Pesta, and Deputy City Clerk Gross for their performance in the recent election and explained to Council that this city staff is trained to handle issues should they arise, as they did with the last election where communities were running out of ballots. Manager Whitt explained city staff reacted appropriately and the election was handled successfully.

City Manager Whitt complimented the Police Department on addressing recent events involving the loss of two residents. He explained the Police Department worked with the Oakland County Sheriff on processing the information. City Manager Whitt explained the City recently had a murder investigation and it was handled professionally. Manager Whitt praised the operations of the Police Department during these incidents.

City Manager Whitt explained a police vehicle was recently in an accident and was hit by another driver but that the police officer is OK with some injuries by the air bag. Manager Whitt explained that he will replace the vehicle as it will not return the vehicle to police service due to the extensive damage.

ATTORNEY'S REPORT:

City Attorney Vanerian explained there is new legislation coming before the voters in November for approval of marijuana for recreational purposes. Attorney Vanerian said that if this new legislation becomes law, the medical marijuana facilities are limited to providing only medical marijuana to patients. Municipalities may have all five types of facilities, but the ones licensed for recreational purposes may serve medical marijuana patients in addition to those who wish to use marijuana recreationally. Attorney Vanerian explained Council may want to consider a moratorium on the applications the City has received and wait for the November election results. Attorney Vanerian explained it is his understanding the City has taken no action on any applications.

Mayor Ackley explained the City Council already approved a medical marijuana ordinance and recreational use will not be permitted unless Council creates an ordinance.

City Attorney Vanerian explained City Council can keep what medical marijuana ordinances that are in place and not accept the recreational use purposes.

City Manager Whitt opined that the voters of Michigan will vote to pass this ballot issue as they did before. Manager Whitt explained medical marijuana applicants have submitted paperwork to the City and a moratorium is not his recommendation.

City Manager Whitt explained that he wants to move ahead with the medical marijuana processing and if Lansing passes something else it will be dealt with then. Mr. Whitt explained that the City has not issued a marijuana license to anyone.

1. Small Cell Right of Way Franchise Agreement and Ordinance Amendment Memorandum

City Attorney Vanerian explained he recently received notice that cellular and data industries are transforming from large towers to small mini cell towers; antennas are being put on utility poles in the public right of way. Attorney Vanerian explained essentially the state is moving to take away the local municipalities control over their own right of ways. PROTEC recommended communities adopt a form agreement adopting small cell right of way franchise agreements. Attorney Vanerian explained his agreement with PROTECT's recommendation.

CM 8-8-18 TO INSTRUCT THE CITY ATTORNEY TO PREPARE A SMALL CELL FRANCHISE AGREEMENT AND A REGULATORY ORDINANCE FOR SMALL CELL FACILITIES

Motion by Owsinek, seconded by Ambrose, UNANIMOUSLY CARRIED: To instruct the City Attorney to prepare a Small Cell Franchise agreement and a regulatory ordinance for small cell facilities.

Roll Call Vote:

Yes (7) Costanzo, Loch, Lublin, Owsinek, Robertson, Ambrose, Ackley
No (0)
Absent (0)
Abstain (0)

2. First Reading C-340-18 Emergency Response Cost Recovery Ordinance Amendment

City Attorney Vanerian explained this ordinance gives the City the opportunity to recover costs from emergency services under certain circumstances.

CM 8-9-18 TO APPROVE FIRST READING OF C-340-18 AN ORDINANCE TO AMEND CHAPTER 2, "ADMINISTRATION" ARTICLE III, "FINANCES," DIVISION 2, "COST RECOVERY FOR EMERGENCY RESPONSE, HAZARDOUS/TOXIC MATERIAL INCIDENTS, AND HAZARDOUS CONDITIONS OF EXTENDED DURATION," IN ITS ENTIRETY TO MODIFY COST RECOVERY PROVISIONS TO CONFORM TO STATE LAW REQUIREMENTS, AND TO REPEAL CONFLICTING PROVISIONS

Motion by Robertson, seconded by Loch, UNANIMOUSLY CARRIED: To approve first reading of C-340-18 an ordinance to amend Chapter 2, "Administration" Article III, "Finances," Division 2, "Cost Recovery for emergency response, hazardous/toxic material incidents, and hazardous conditions or extended duration," in its entirety to modify cost recovery provisions to conform to State law requirements, and to repeal conflicting provisions.

Roll Call Vote:

Yes (7) Loch, Lublin, Owsinek, Robertson, Ambrose, Costanzo, Ackley
No (0)
Absent (0)
Abstain (0)

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Proposed resolution 2018-40 Lakes Area Youth Assistance PY 2018-2019

CM 8-10-18 MOTION TO APPROVE RESOLUTION 2018-40 A RESOLUTION APPROVING THE AGREEMENT WITH THE LAKES AREA YOUTH ASSISTANCE AGENCY FOR SERVICES PROVIDED JULY 2018 THROUGH JUNE 2019

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: To approve resolution 2018-40 a resolution approving the agreement with the Lakes Area Youth Assistance agency for services provided July 2018 through June 2019.

Roll Call Vote

Yes (7) Lublin, Owsinek, Robertson, Ambrose, Costanzo, Loch, Ackley
No (0)
Absent (0)
Abstain (0)

2. 2018 Auto Auction Bid Results

Police Chief Shakinis explained there was an auto auction recently held and the bid opening was August 14, 2018. Chief Shakinis recommended Council accept the high bids for sale.

CM 8-11-18 MOTION TO ACCEPT THE HIGH BIDS FROM THE AUGUST 14, 2018 AUTO AUCTION

Motion by Loch, seconded by Owsinek, UNANIMOUSLY CARRIED: To accept the high bids from the August 14, 2018 auto auction.

Roll Call Vote:

Yes (7) Owsinek, Robertson, Ambrose, Costanzo, Loch, Lublin, Ackley
No (0)
Absent (0)
Abstain (0)

COUNCIL COMMENTS:

Council Member Lublin said the public safety campus looks good and he would like to have an appreciation dinner to thank all of those who serve on the City's boards and commissions.

Council Member Costanzo commended the Police and Fire Chief.

Council Member Ambrose also thanked the Police and Fire Chief for all their hard work.

MAYOR'S REPORT:

Mayor Ackley explained she is requesting a motion to make Dennis O'Rourke an alternate on the Zoning Board of Appeals (ZBA). Mayor Ackley explained Mr. O'Rourke had accepted the nomination to the Planning Commission so he would have to be move to a ZBA alternate.

CM 8-12-18 MOTION TO MOVE DENNIS O'ROURKE FROM A FULL TIME ZBA MEMBER TO AN ALTERNATE POSITION

Motion by Costanzo, seconded by Robertson, UNANIMOUSLY CARRIED: To move Dennis O'Rourke from a full time ZBA member to an alternate position.

Roll Call Vote

Yes (7) Robertson, Ambrose, Costanzo, Loch, Lublin, Owsinek, Ackley
No (0)
Absent (0)
Abstain (0)

1. Proposed Resolution 2018-41 Mayor's nomination of Dennis O'Rourke to the Planning Commission

CM 8-13-18 MOTION TO APPROVE RESOLUTION 2018-41 A RESOLUTION ACCEPTING THE MAYOR' S NOMINATION TO FILL A VACANCY ON THE PLANNING COMMISSION PURSUANT TO THE REQUIREMENTS OF THE CITY CHARTER; MAKING AN APPOINTMENT TO THE PLANNING COMMISSION FOR AN UNEXPIRED TERM

Motion by Lublin, seconded by Robertson, UNANIMOUSLY CARRIED: A motion to approve resolution 2018-41 a resolution accepting the Mayor' s nomination to fill a vacancy on the Planning Commission pursuant to the requirements of the City Charter; making an appointment to the Planning Commission for an unexpired term

Roll Call Vote

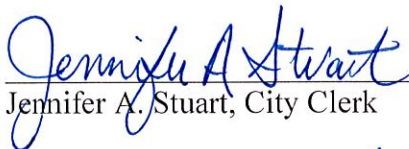
Yes (7) Ambrose, Costanzo, Loch, Lublin, Owsinek, Robertson, Ackley
No (0)
Absent (0)
Abstain (0)

Mayor Ackley stated the Boards and Commission application is on the City website and encouraged if someone knew of anyone who would like to become the City's trailway council representative to have them submit an application. Mayor Ackley said she would like to see a member from Council apply.

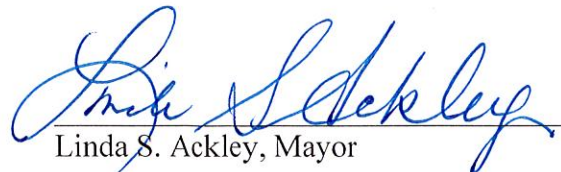
City Manager Whitt explained he is currently the alternate.

ADJOURNMENT

Meeting adjourned at 9:27 p.m.



Jennifer A. Stuart, City Clerk



Linda S. Ackley, Mayor

Approved
9-17-18