



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
(ELECTRONIC MEETING PLATFORM)
TUESDAY, FEBRUARY 16, 2021
7:30 P.M.**

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

ROLL CALL Mayor Ackley, Mayor Pro Tem Ambrose, Council Member Fernandes, Council Member Lublin, Council Member Owsinek, Council Member Woods

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

CM 2-1-21 MOTION TO EXCUSE COUNCIL MEMBER LOCH FROM TONIGHT'S MEETING

Motion by Owsinek, seconded by Ambrose, UNANIMOUSLY CARRIED: To excuse Council Member Loch from tonight's meeting.

REQUESTS FOR AGENDA CHANGES None

AUDIENCE PARTICIPATION None

APPROVAL OF THE MINUTES

1. Regular Council Meeting January 19, 2021

CM 2-2-21 MOTION TO APPROVE REGULAR COUNCIL MEETING MINUTES OF JANUARY 19, 2021

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve regular council meeting minutes of January 19, 2021.

Roll Call Vote

Ayes (6)	Fernandes, Lublin, Owsinek, Woods, Ambrose, Ackley
Nays (0)	
Absent (1)	Loch
Abstain (0)	

COUNCIL REPORT

1. Public Safety Campus Expansion Committee – Progress Report Councilman Owsinek – Committee Member

Council Member Owsinek deferred to Committee Chairman, Mr. Neal Wolfson. Mr. Wolfson explained the project is going ahead with water main, drain, parking lot, and fire hydrant; all of which have approved permits.

Police Chief Shakinis explained a new fire hydrant will be placed as well as a new parking lot with appropriate grading and storm water adherence. Police Chief Shakinis explained construction plans are set and the committee is seeking council approvals to go out for bids.

Fire Chief Coomer explained the training facility will enhance fire services for the community while providing local training site. Fire Chief Coomer said this type of facility will be a huge asset and the fire department is excited about it. Fire Chief Coomer explained the training facility will provide opportunity for ladder training and live fire burns for rescue type training. Fire Chief Coomer explained that during the department's most recent ISO rating, live training was a weak point, this new facility would definitely be an asset.

Mayor Ackley explained with a training facility on site, fire personnel do not have to leave city limits, they would be local to address emergencies and more participants could train at a time.

Fire Chief Coomer said he agreed, he explained the Auburn Hills training location is far and the city fire department is required to have so many firefighters back at the station to address calls. Fire Chief Coomer explained this facility provides an opportunity right in our back yard. Fire Chief Coomer explained the training structure will be made from metal shipping containers on a slab towards the northeast portion of the property. Fire Chief Coomer explained inside the shipping containers will be movable walls to allow different settings to provide search and rescue, ladder training and hydrant hook up to fire truck.

Council Member Woods asked if the northeast quadrant is designated to the property or the entire east side.

Committee Chairman Wolfson explained it will be similar to the current Farmers Market with a two-way entrance and exit on the west side.

CM 2-3-21 MOTION TO AUTHORIZE CITY ADMINISTRATION TO OBTAIN BIDS AND COMMENCE WITH PUBLIC SAFETY CAMPUS EXPANSION PARKING LOT PROJECT AS PROPOSED

Motion by Lublin, seconded by Fernandes, UNANIMOUSLY CARRIED: To authorize city administration to obtain bids and commence with Public Safety Campus expansion parking lot project as proposed.

Roll Call Vote

Ayes (6) Lublin, Owsinek, Woods, Ambrose, Fernandes, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

CITY MANAGER REPORT

1. Departmental / Divisional Statistical Reports

- a. Police**
- b. Fire**
- c. Finance**
 - Warrant**

CM 2-4-21 MOTION TO APPROVE THE DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS

Motion by Woods, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve the departmental / divisional statistical reports.

Roll Call Vote

Ayes (6) Lublin, Owsinek, Woods, Ambrose, Fernandes, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

2. Preliminary report of Councilman Lublin's motion to begin preparation of a local roads and sidewalk repair plan.

City Manager Whitt reminded current city council members that in their budget packets they have a lot of information on the PACER programs pertaining to local and major roads. City Manager Whitt explained he believes the city can get up and running with activity when the snow is gone. Manager Whitt deferred to DPW Team Lead, Mr. Dan Ladd.

DPW Team Lead, Mr. Ladd explained in 2019, city consultant, Boss Engineering conducted visual inspections on the surfaces of the city local asphalt roads. Mr. Ladd explained a PACER study rates road conditions from 1 to 10 with 10 being the worst

because these roads were once a paved road overtime have turned into dirt. Mr. Ladd explained there have been critical areas determined and defined, Tri A being a number one priority, then Quinif subdivision, and Chestnut Hills. Mr. Ladd explained the water lines were placed under the roads in Chestnut Hills, there have been issues with major dips in the road and curb and gutter complications. He explained the dips cause standing water, which expedites road deterioration.

City Manager Whitt encouraged the council to look at their budget packet with the PACER information. City Manager Whitt explained that Council Member Lublin helped get the jump start with his motion from last meeting. Manager Whitt explained there will be required budget revisions as soon as we find out what the bids will be for the asphalt. City Manager Whitt explained there will be discussion to identify where to start and work will include the local parks and the roads that lead up the parks. City Manager Whitt explained improvements will be made to both the roads and city parks. Manager Whitt explained there is council support, and he will bring those bids back to council for approval.

CORRESPONDENCE

1. Law Offices of Steven M. Vitale regarding The Beach Tiki Bar and Boil & Jeff Gappy

Councilman Owsinek said he inquired for more information on this agenda item and was informed that this property owner had not paid a water bill in a number of years and this nonpayment has been going on for a long time. Council Member Owsinek opined this abuse of using water and not paying for it is riding on the taxpayers of the city. Council Member Owsinek explained the numbers quoted in exhibit A are outrageous and these are unconscionable actions by this property owner.

Council Member Woods asked if there is any information on back meter reads, to possibly rectify this issue. Council Member Woods said the water bills in 2018 were \$1,000 to \$3,000, if there were concerns with water meter reads why were they not addressed then.

City Manager Whitt explained the letter from this attorney is disingenuous. City Manager Whitt explained as far as claims of false billing, the city went from monthly billing to quarterly billing, amounts are larger because it is a three-month capture. City Manager Whitt said the owner refuses to pay their water bill and they deliberately let the water delinquencies roll to their taxes. City Manager Whitt explained once the delinquent water is rolled to tax as a special assessment, the property owner then negotiates a special arrangement, a payment plan of some sort, with the Oakland County Treasurer to pay all delinquencies at only a portion of the total billed. City Manager Whitt said the property owner does not intend to pay, they have not paid in years, they let it roll to the tax bill and let it go delinquent to the Oakland County Treasurer. City Manager Whitt said this is

normal practice for them. City Manager Whitt opined this property owner has been building equity in their property on the back of the city taxpayers.

Council Member Lublin said he concurs, and it is the business owner's responsibility to address however, not five years later as this property owner has done with this letter. Council Member Lublin explained if you own property you must remain current with your utilities. He said coming five years later with concerns, is not appropriate.

Council Member Owsinek said his understanding is if you do not pay your water bill there is interest applied, and that then becomes part of the amount owed. Council Member Owsinek said it is his opinion to shut this property owner's water off.

Finance Director Pesta explained through our history and the history with WRC since they took over our water operations, the last payment made was in 2009 and there has been penalty and interest charged over the years. Finance Director Pesta explained over the years it has accumulated to over \$133,000 owed to the city.

City Manager Whitt explained the issue will not be the city refusing to sit and discuss the bill with the Tiki Bar but that it would be repugnant to erase the cost of not paying your bill over nine years. City Manager Whitt said this property owner counted on the taxpayers and other water users to pay their bills. City Manager Whitt explained this business is currently for sale and it is on the council's agenda because this business has not been a good customer of the city water. City Manager Whitt said WRC will not turn off the water unless the city provides that directive. He said this may be something to do, to get them to pay. City Manager Whitt explained the taxes were paid on some type of payment arrangement with the Oakland County Treasurer. City Manager Whitt explained the property owner does not pay their taxes as well.

Mayor Ackley explained she would prefer to turn this over to the City Manager and City Attorney to discuss with property owner's attorney. Mayor Ackley opined it is ridiculous they have not paid a water bill since 2009. Mayor Ackley explained, city administration needs time to work to a resolution before council acts.

City Manager Whitt explained he is not looking for a motion from council but wanted them to be informed of request and communications.

Council Member Woods asked how the city can protect itself going forward with daily usage from this property owner, are daily readings necessary.

City Manager Whitt explained WRC provides meter readings as part of the agreement for maintenance and management of the city's water and sewer systems. City Manager explained the city can probably get WRC to provide additional readings. He explained why he did not see a benefit to go every week. City Manager Whitt said he will direct DPW Team Lead Mr. Ladd to discuss monitoring with WRC.

Council Member Lublin said he would like to see a lien placed on the property immediately and then move forward with negotiations.

City Manager Whitt explained the city attorney will be involved in discussions.

CM 2-5-21 MOTION INSTRUCT CITY ATTORNEY TO PREPARE DOCUMENTS TO FILE A LIEN AGAINST 142 E. WALLED LAKE DRIVE FOR UNPAID WATER BILL

Motion by Lublin, seconded by Fernandes, UNANIMOUSLY CARRIED: To instruct the City Attorney to prepare documents to file a lien against 142 E. Walled Lake Drive for unpaid water bill.

Roll Call Vote

Ayes (6) Owsinek, Woods, Ambrose, Fernandes, Lublin, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

CITY ATTORNEY REPORT

1. Proposed Draft Planned Unit Development Agreement for Forestbrook Apartments

City Attorney Vanerian explained applicant for Forestbrook Apartments has met the requirements of the city ordinances, zoning of RM-1, the requirements of Planning Commission reviews, public hearing, and recommendation. City Attorney Vanerian explained the applicant went before the Planning Commission for preliminary plan review September of last year. City Attorney Vanerian explained the applicant has been working with city consultants on approvals. City Attorney explained once the recommendation is created by the Planning Commission, applicant is then referred to the City Council for review. City Attorney Vanerian explained the Planning Commission did provide approvals subject to meeting the requirements of the February 5, 2021 review letter from consultant city engineer, Boss Engineering; review letter dated February 24, 2021 from consultant city planner McKenna Associates and February 2, 2021 review letter from Fire Marshal Gonzalez.

City Attorney explained this evening is the final step, coming before council with a development agreement specific to this Planned Unit Development (PUD). City Attorney Vanerian said the proposed agreement is in the packet before council this evening. City Attorney Vanerian explained review comments and plan revisions to the city consultants are required and one of the items the city engineer is looking for is a revised traffic study with additional detail.

Council Member Woods asked if the retention basin has enough capacity and received city engineer approvals.

Applicant, Mr. Spencer Schafer said the retention basin is good quality sandy soils, and yes it does support two one-year back-to-back storms.

Council Member Woods said he would like to see the buffer line along Payson Street, having the evergreens be placed immediately so they have time to establish prior to project completion. He said he has spoken to neighbors and feedback was positive.

Councilman Owsinek explained at the Planning Commission when site plan approval was granted, it was required that any outstanding items would have to be addressed and it would most likely be done administratively.

**CM 2-6-21 MOTION TO APPROVE RESOLUTION 2021-50 A
RESOLUTION TO APPROVE FORESTBROOK PARK
APARTMENTS PLANNED UNIT DEVELOPMENT**

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2021-50 a resolution to approve Forestbrook Apartments Planned Unit Development.

Mayor Ackley clarified that with the passing of the resolution does not remove any stipulations placed by the Planning Commission and those stipulations can be addressed administratively during the plan review process for building.

City Attorney Vanerian said yes, the applicant still needs to pull a building permit, obtain state and county approvals, etc. City Attorney Vanerian explained that as far as zoning under the PUD process, this is the last step coming before council.

Council Member Lublin asked about what Council Member Woods said with the plantings of evergreens, south east of the property. Member Lublin asked if Mr. Schafer is keeping those trees.

Mr. Schafer said yes a much larger preservation will be held for those trees, the southwest corner of site will have a buffer of trees. Mr. Schafer said he agrees with the placement early of the evergreens.

Roll Call Vote

Ayes (6)	Woods, Ambrose, Fernandes, Lublin, Owsinek, Ackley
Nays (0)	
Absent (1)	Loch
Abstain (0)	

2. Proposed Resolution 2021-51 City Policy Relative to Poverty Exemption

City Attorney Vanerian explained this resolution is brought before council on a yearly basis adopting guidelines for poverty establishing guidelines for the Board of Review. He explained PA 253 only allows either a 24%, 50% or 100% reduction. The Board of Review if applicant found to meet the criteria they be granted poverty exemption. He explained the County had suggested to select one amount if the applicant met the reduction requirements. The other alternative is to leave all three options and have the Board of Review determine.

**CM 2-7-21 MOTION TO APPROVE RESOLUTION 2021-51 A
RESOLUTION ESTABLISHING POLICY RELATIVE TO
THE BOARD OF REVIEW AND GRANTING POVERTY
EXEMPTIONS BY THE WALLED LAKE BOARD OF
REVIEW**

Motion by Ambrose, seconded by Fernandes, UNANIMOUSLY CARRIED: To approve resolution 2021-51 a resolution to establishing policy relative to the Board of Review and granting poverty exemptions by the Walled Lake Board of Review.

Roll Call Vote

Ayes (6) Ambrose, Fernandes, Lublin, Owsinek, Woods, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

UNFINISHED BUSINESS

1. Second Reading C-357-20 Amendment to Chapter 51 Zoning, Article 14.00, Section 51-14.02 and Article 21.00, Section 51-21.50

City Attorney Vanerian explained this ordinance applies only to caregiver use. Attorney Vanerian said for example, if someone wanted to grow strictly for their own personal use, this ordinance does not stop that use for an individual and their personal use. City Attorney Vanerian explained this ordinance is for a caregiver who grows and processes to furnish to several other people who they are associated with through the state's caregiver licensing process. City Attorney Vanerian explained these licensed caregivers have a strict number of patients they can service with plants and quantity. City Attorney Vanerian explained the supreme court opinion provided cities and municipalities authority to limit caregiver facilities to specific zoning areas. City Attorney Vanerian explained state law allows you to have them and council can limit it to specific zoning areas.

Mayor Ackley explained her understanding is the city cannot stop growing of marijuana plants inside the home.

CM 2-8-21 TO APPROVE SECOND READING OF C-357-20 AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE ZONING ORDINANCE, TO AMEND ARTICLE 14.00 "I-1 LIMITED INDUSTRIAL DISTRICT", SECTION 51-14.02 "PERMITTED PRINCIPAL USES" AND ARTICLE 21.00 "GENERAL PROVISIONS", SECTION 51-21.50 "MARIJUANA FACILITIES" TO ADOPT REGULATIONS FOR MEDICAL MARIJUANA CAREGIVER FACILITIES AND USES

Motion by Lublin , seconded by Owsinek, UNANIMOUSLY CARRIED:
To approve second reading of C-357-20 an ordinance to amend Chapter 51, "Zoning", of Title V, "Zoning and Planning", the City of Walled Lake Zoning Ordinance, to amend Article 14.00 "I-1 Limited Industrial District", Section 51-14.02 "Permitted Principal Uses" and Article 21.00 "General Provisions", Section 51-21.50 "Marijuana Facilities" to adopt regulations for medical marijuana caregiver facilities and uses.

Discussion

Councilman Woods explained he spoke with staff from Shelby Township and Sterling Heights on how they track these types of sites and was told by a permitting process. Councilman Woods asked if the city attorney or Planning Commission can look into using electrical permits, especially for to assist fire personnel with tracking these sites. Council Member Woods said the city needs to go further and investigate enforcement in keeping these sites to industrial areas only.

Mayor Ackley explained council has option to pass second reading this evening and request City Attorney Vanerian research further enforcement opportunities like in Shelby Township and Sterling Heights.

Mayor Pro Tem Ambrose said he agrees with Council Member Woods and explained DTE is notified of service size changes and suggested the city communicate with them to be added to that notification process.

Roll Call Vote

Ayes (6) Fernandes, Lublin, Owsinek, Woods, Ambrose, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

- CM 2-9-21 TO DIRECT THE CITY ATTORNEY AND FIRE CHIEF TO INVESTIGATE THE TYPE OF OPTIONS THAT WILL AID IN ENFORCEMENT OF CAREGIVER FACILITIES WITHIN THE CITY, REFERENCING WHAT SHELBY TOWNSHIP AND STERLING HEIGHTS MAY UTILIZE TO ENFORCE THEIR CAREGIVER FACILITIES**

Motion by Woods, seconded by Fernandes, UNANIMOUSLY CARRIED: To direct the City Attorney and Fire Chief to investigate the type of options that will aid in enforcement of caregiver facilities within the City, referencing Shelby Township and Sterling Heights may utilize to enforce their caregiver's facilities.

Roll Call Vote

Ayes (6) Fernandes, Lublin, Owsinek, Woods, Ambrose, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

NEW BUSINESS

- 1. Proposed Resolution 2021-52 Defer Special Meeting Requirements for Budget Presentation and Adoption**

- CM 2-10-21 TO APPROVE RESOLUTION 2021-52 A RESOLUTION RESCHEDULING THE FISCAL YEAR BUDGET PRESENTATION SPECIAL COUNCIL MEETING OF MONDAY, MAY 17, 2021 TO THE REGULAR MEETING OF TUESDAY MAY 18, 2021 AND TO RESCHEDULE SPECIAL COUNCIL MEETING FOR BUDGET ADOPTION ON MONDAY, JUNE 14, 2021 TO THE REGULAR COUNCIL MEETING OF TUESDAY JUNE 15, 2021 AT 7:30 P.M.**

Motion by Owsinek, seconded by Woods, UNANIMOUSLY CARRIED: To approve resolution 2021-52 a resolution rescheduling the fiscal year budget presentation Special Council Meeting of Monday, May 17, 2021 to the Regular Meeting of Tuesday, May 18, 2021 and to reschedule Special Council Meeting for

budget adoption on Monday, June 14, 2021 to the Regular Council Meeting of Tuesday, June 15, 2021 at 7:30 p.m.

Roll Call Vote

Ayes (6) Lublin, Owsinek, Woods, Ambrose, Fernandes, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

2. Proposed Resolution 2021-53 Healthcare Benefit Renewal for Full-time Employees for Plan Year 2021-2022

CM 2-11-21 TO APPROVE RESOLUTION 2021-53 A RESOLUTION APPROVING A HEALTH CARE BENEFIT PACKAGE FOR FULL-TIME EMPLOYEES FOR THE PLAN YEAR APRIL 1, 2021 TO MARCH 31, 2022

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2021-53 a resolution approving a healthcare benefit package for full-time employees for the plan year April 1, 2021 to March 31, 2022.

Roll Call Vote

Ayes (6) Owsinek, Woods, Ambrose, Fernandes, Lublin, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

3. Proposed Resolution 2021-54 Healthcare Benefit Renewal for Eligible Prior Employees of the City of Walled Lake

CM 2-12-21 MOTION TO APPROVE RESOLUTION 2021-54 A RESOLUTION APPROVING AN APPROPRIATION FOR HEALTHCARE FOR THE PLAN YEAR APRIL 1, 2021 TO MARCH 31, 2022 FOR ELIGIBLE PREVIOUS EMPLOYEES OF THE CITY OF WALLED LAKE

Motion by Lublin, seconded by Owsinek,

Discussion

Council Member Lublin asked the City Attorney Vanerian what other options are available.

City Attorney Vanerian explained he would have to review the contracts of these employees.

Council Member Lublin explained many of them may be in the social security zone, he does not want to take away, however some may be working for others and receiving benefits and others are over 65 and another plan may be much less.

Mayor Ackley explained this was reviewed years ago, some prior employees found employment elsewhere and the city negotiated with those employees.

Council Member Ambrose explained there are three prior employees that are working for other municipalities.

Council Member Owsinek explained there were a number of employees we did buy out; we still have a commitment contractually.

Mayor Ackley said others should not be penalized, some of these people are legitimately retired.

Council Member Owsinek said those that are legitimately retired are due this compensation.

Mayor Ackley said council may motion to approve and have City Attorney Vanerian report back to council on those not entitled to have benefit from the city.

Council Member Woods said if this is due they should be paid this, are we required to vote on this this month or can council have a report provided with status of prior employees.

City Manager Whitt explained yes, council can table resolution and be provided a report next month.

CM 2-13-21 TO TABLE RESOLUTION 2021-54 UNTIL FURTHER INFORMATION IS OBTAINED AND PROVIDED TO COUNCIL

Motion by Woods, seconded by Owsinek, UNANIMOUSLY CARRIED: To table resolution 2021-54 until further information is obtained and provided to Council.

Roll Call Vote

Ayes (6)	Woods, Ambrose, Fernandes, Lublin, Owsinek, Ackley
Nays (0)	
Absent (1)	Loch
Abstain (0)	

COUNCIL COMMENTS

Council Member Fernandes explained she met with Police Chief Shakinas and was enlightened and educated on the operations of the Police Department and commended the Police Chief.

Council Member Woods said Mr. Rick Perry did a nice job with the recent winter fishing tournament on Walled Lake. Member Woods said it was a great event and the organizer also donated funds to the Walled Lake Civic Fund. Councilman Woods said he appreciated the efforts and of Mr. Millen with the work on the Foster Farmhouse. Member Woods said DPW Team Lead Mr. Ladd and DPW crew did an excellent job with roads and sidewalks during recent snowstorms.

Council Member Owsinek said he likes to see the progress with Foster Farmhouse.

Council Member Lublin commended the Department of Public Works crew with work on maintaining and cleaning snow from the roads. Member Lublin said he is looking forward to working on improving the city roads.


Mayor Pro Tem Ambrose also commended the Public Works Department on the road clean up from snow. Mayor Pro Tem Ambrose said he believes everyone surrounding the Foster Farmhouse will appreciate the progress on it especially those that live around it.

MAYOR'S REPORT

Mayor Ackley commended the city staff, administration, Public Works, Police and Fire continuing to work more with less. Mayor Ackley said she agrees with Councilman Owsinek on moving forward with completion of the Foster Farmhouse. Mayor Ackley explained she too also appreciates Mr. Millen's efforts in working on the Foster Farmhouse and moving its progress forward.

ADJOURNMENT

Meeting adjourned at 9:40 p.m.



Jennifer A. Stuart, City Clerk
approved 3-16-21

Linda S. Ackley, Mayor