



**CITY OF WALLED LAKE
SPECIAL COUNCIL MEETING
TUESDAY, FEBRUARY 6, 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.

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

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

OTHERS PRESENT: City Manager Whitt, Assistant City Manager Pesta, Police Chief Shakinas, Finance Director Coogan, and City Clerk Stuart

CM 2-18-18 MOTION TO EXCUSE COUNCIL MEMBER AMBROSE FROM TONIGHT' S MEETING

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

AUDIENCE PARTICIPATION:

Rules read into record by Clerk Stuart.

Pamela Fox, 1345 Decker – said she was as a registered voter in Walled Lake for over 44 years she said she is shocked that her vote has been rendered useless Council and is reminiscent of a dictatorship and to have it happening to the voters of Walled Lake is reprehensible. Mrs. Fox said for the Mayor to appoint a hand-picked replacement for a duly elected Council person they removed is a big slap in the face. Mrs. Fox said she is ashamed of our city and what it has become and shame on the Council persons that have gone along with this travesty.

Karen Kolke, 179 Spring Park – said since we the people who vote for you Council people, we have lost a vote and she feels it is only right that an election of several people so that we can vote and not have it just filled in by Mayor Ackley. It is only right to have a voice in this. It is not something that should be handpicked. She thanked Council for their time.

Ryan Woods, 1111 Chestnut Ridge – said for this process, he wanted to discuss transparency obviously a big item discussed, seeing the notice for today, there is no name for appointment so there is no real transparency or the residents to understand what's exactly going on. He said he spoke with City Hall staff at noon and had no notice or advice of who was going to be appointed or named. He said he emailed the Mayor and did not receive a response. He said the transparency is not there being able to talk before even knowing who the person is or

understanding who you are going to pick and this being the only time to talk, there is no transparency in this process. He recommends the City Council follow the Charter for section 5.7 (b) and hold off for sixty days. He said let everything relax for a time then people can be advised of who the person is, and they have time to talk to the residents. He said this should be more of a transparent process. He said the residents won't feel disenfranchised.

Lisa Duval, 1622 Oak Grove Drive – said she read the whole Charter last evening. She said referring to Charter 5.7 (b) a Special Election must be held. She said she researched the Charter, State code and was trying to find where City Council was counseled by the City Attorney or City Manager stating that City Council has the right to actually appoint somebody. She said the only thing she found was the Mayor can appoint somebody who is not an elected official like someone on the Planning Commission or even the City Manager position. She could not find anything associated with a Council Member besides a Special Election. She asked that Council step back and take 60 days, review and see what the qualifications are for the person who is recommended. She said somebody can file a petition for a special election, she is asking for this to be followed. She asked for more transparency. She said notification of the meetings hosting a Special Meeting is a 24-hour notice. She asked for postings to be placed besides the Oakland Press, she said only 10% of Walled Lake residents get that. She suggested posting the meetings on the city website.

City Manager Whitt said the sections of the Charter being cited are correct, if there is no agreement to proceed in 60 days an election is called, as required by the Charter. The Charter also states the Council may appoint under section 4.5. Manager Whitt explained that the City Charter is the law that provides that the Mayor to make nominations for all such vacancies on Council, Boards and Commission. Manager Whitt stated that the Mayor makes the nomination, if the Council accepts the nomination, the appointment may be made, and the vacancy filled, however, if the Council rejects the nomination, the Mayor may be required to make another nomination. Manager Whitt continued, stating that if the 60 days passes with no appointment; then a special election would be called by the City Clerk. Manager Whitt said he had served for over four and half years as the City Clerk for Walled Lake and during that tenure he had traveled to Lansing for verification of the Charter provisions. Mr. Whitt said he answers to transparency constantly and said Council is following the law. Manager Whitt said the meetings notices are placed several places and advertised in the paper further explaining that the notice requirements of the law are met. Manager Whitt opined that the transparency issue is a political statement and depends on the definition of transparency. Manager Whitt opined that if names are sent out too soon, a candidate gets beat up on social media with efforts to demonize the candidate for nomination when name is released ahead of time. Manager Whitt said as a public official, he is subjected to verbal attacks often, but suggested that a nomination or appointment occur before the verbal attacks begin. Manager Whitt pointed out that transparency is occurring tonight. Manager Whitt explained that if Council decides to delay the appointment of the Mayor's nominee, they have that authority as the governing body. Manager Whitt reminded Council of past appointments to fill vacancies in the Office of Council Member. Manager Whitt referenced former Council Member William Sturgeon's appointment, as Mr. Sturgeon came with the next highest numbers of votes during the prior election, Mr. Sturgeon did not win that election but the very people who ran against him, voted to appointment Mr. Sturgeon. Manager Whitt explained that the same situation occurred with Council Member Lublin. Mr. Lublin came in a vote short

of winning in his election and yet he was appointed by his winning opponents because Mr. Lublin showed his credentials and had a substantial number of votes. Manager Whitt explained that Council Member Loch was appointed based on the same principle. Manager Whitt explained that the Council has the authority to do this just as they have in the past. Manager Whitt explained that the suggestion of a transparency issue is settled with the Council making a decision tonight. Manager Whitt opined that he would not want to be subjected to verbal attacks on the internet or Facebook before he actually received a nomination. Manager Whitt explained that the City Charter prevails, with the authority of the Mayor to make nominations with City Council voting on the nomination for appointment.

Marlene Palicz, 393 Neptune – said people need to speak into the microphones. She has been a tax payer for over 25 years. She said she is of opinion that there should be a special election to replace the displacement of a Council Member who has been highjacked and pinpointed for harassment. She said the charges of harassment towards this person should be pointed towards the Council because of age biases and gender bias. She said if this Council person was a male, then she would not be subject to this kind of intimidation and this kind of singling out for charges that don't hold water. She would like to request Council to hold a special election.

Mindy Fernandes, 45400 W. Pontiac Trail – said the idea of transparency, there are several bills going on in Lansing that are requiring additional transparency. She said we as a City should be on the cutting edge and seek that in all that we do. She said transparency is not just a word of the moment. She said we need to seek input and support of the community, there are great things happening in the City and to put us into an “us versus them” category hurts where we are going as a City. She said everything can be justified, things you should do verses things you can do. She asked Council to think about how to bring this community together.

Council Member Costanzo asked for a point of inquiry. Council Member Costanzo said City Charter Section 3.6 a Special City Election when called by resolution of the Council at least 40 days in advance. He asked if Council has the power to appoint. He asked Council to issue a resolution instead of an appointment.

City Manager Whitt said the only item on the agenda is filling the vacancy. Manager Whitt stated that if this does not happen, or a no vote occurs, or appointment is delayed, the Council may bring a resolution to call a special meeting, at the next regular council meeting or a special meeting. Manager Whitt explained that the Mayor has 60 days to make a nomination and said that calling a special election would be a violation of the Charter.

Council Member Costanzo said he is confused, the position became vacant less than 5 days ago, we have plenty of time to move this forward and he feels it is worthy of discussion based on what was just heard from the residents of tonight's meeting. He said it matters to him as well. He said he personally would like to open it up to more of a discussion.

Mayor Ackley explained that it is the responsibility of the Mayor's Office to make a nomination. Mayor Ackley said if you choose not to accept the nomination and to not make the appointment then another meeting will be called. Mayor Ackley opined that she personally feels it is time to have a full city council, so the city can move forward, which is why she called the special

meeting to make a nomination and an appointment. Mayor Ackley explained that she will make her nomination, if Council chooses not to go with her appointment, then it fails, this meeting will be adjourned, and Council will move forward at another special meeting.

NEW BUSINESS

1. Proposed Resolution 2018-04 a resolution accepting the Mayor's nomination to fill a vacancy in the Office of City Council person

Mayor Ackley handed out her nomination for appointment and resolution.

City Manager Whitt said as the meeting parliamentarian, the Mayor is making a nomination and the appointment comes from the majority vote of Council.

Mayor Ackley said she would like to nominate Robert Robertson to the Office of Council person. She said he ran in the last city election with a substantial number of votes.

CM 2-19-18 MOTION TO APPROVE RESOLUTION 2018-04 A RESOLUTION ACCEPTING THE MAYOR'S NOMINATION TO FILL A VACANCY IN THE OFFICE OF CITY COUNCILPERSON PURSUANT TO THE REQUIREMENTS OF THE CITY CHARTER; MAKING AN APPOINTMENT TO THE OFFICE OF CITY COUNCILPERSON

Motion by Loch, seconded by Owsinek

Discussion

Mayor Ackley said the resolution will be appointing Robert Robertson to fill the vacancy of the Office of Council person. She asked for a motion to fill in the blanks of the nomination and resolution with Robert Robertson.

CM 2-20-18 MOTION TO FILL IN BLANKS OF THE NOMINATION AND RESOLUTION WITH NOMINEE'S NAME ROBERT ROBERTSON

Motion by Owsinek, seconded by Lublin, MOTION CARRIED: To fill in blanks of the nomination and resolution with Nominee's name Robert Robertson.

Discussion

Council Member Costanzo said he would have liked this nomination to have gone out to the residents. He said we have over 7,000 residents. He said this would be an opportunity to rebuild trust with the citizens of the city. He said this is an opportunity to interview for the position. The Mayor can still make the nomination. He suggested putting together a set of questions with a panel of interviews in an open forum, so the public can attend and hear the perspective

applicants. He said he would like to see this happen. He said there are 637 days left in this term and it is substantial, to fill with a non-duly elected official.

Mayor Ackley said Mr. Robertson did receive a considerably large vote in the last election, he has served on the Council, has shown his qualifications and she stands by her nomination.

Roll Call Vote

Yes (4) Loch, Lublin, Owsinek, Ackley
No (1) Costanzo
Absent (1) Ambrose
Abstain (0)

(4-1) MOTION CARRIED

Council Member Lublin said he felt having another election is not needed, there will be another election in two years.

CM 2-19-18 MOTION TO ADOPT RESOLUTION 2018-04

Motion by Loch, seconded by Owsinek: MOTION CARRIED: To approve resolution 2018-04 a resolution accepting the Mayor's nomination to fill a vacancy in the office of City Council person pursuant to the requirements of the City Charter; making an appointment to the Office of City Council person.


Roll Call Vote

Yes (4) Loch, Lublin, Owsinek, Ackley
No (1) Costanzo
Absent (1) Ambrose
Abstain (0)

(4-1) MOTION CARRIED

Motion to adjourn by Lublin, seconded by Owsinek.

Meeting adjourned at 7:59 p.m.


Jennifer A. Stuart, City Clerk


Linda S. Ackley, Mayor

History: Chapter 6, The Council: Procedure and Miscellaneous Powers and Duties: Section 6.7 (a) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and Clerk of the meeting.

approved 2/20/18