



**CITY OF WALLED LAKE  
REGULAR COUNCIL MEETING  
TUESDAY, JULY 16, 2019  
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 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, Deputy City Clerk Gross, and City Clerk Stuart

**CM 7-1-19 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.

**REQUEST FOR AGENDA CHANGES:**

Mayor Ackley recommended moving New Business item #1 Proposed draft agreement for Beachwood PUD immediately after approval of minutes to allow the public to hear and then move directly into Audience Participation to allow public time for comment on the PUD.

Council Member Costanzo asked to add a new business item to discuss city sidewalks. Mayor Ackley added as New Business #3.

**APPROVAL OF THE MINUTES:**

**1. Regular Council Meeting of June 18, 2019**

**CM 7-2-19 MOTION TO APPROVE REGULAR COUNCIL MEETING OF JUNE 18, 2019 AS AMENDED**

Motion by Lublin, seconded by Robertson: UNANIMOUSLY CARRIED: To approve the Regular Council Meeting minutes of June 18, 2019 as amended.

#### Discussion

Council Member Ambrose said on page 16 of the minutes, the wording does not read correctly and the word *social* needs to be changed to *media*.

#### Roll Call Vote

Ayes (6) Costanzo, Lublin, Owsinek, Robertson, Ambrose, Ackley  
Nays (0)  
Absent (1) Loch  
Abstention (0)

#### NEW BUSINESS:

##### 1. Proposed Draft Planned Unit Development Agreement

Mike Noles from Diffin-Umlor Associates was representing Pulte Homes of Michigan and provided a presentation of the proposed Beachwood Development. Mr. Noles explained he was seeking council's approval of the PUD. Mr. Noles said the Beachwood PUD is consistent with the preliminary approval that council granted last year and since that time, the unit count has been reduced from 44 units to 36 units, lake privileges were relinquished for all of the units within the PUD, the buffers were added between adjacent properties, and the basin is still oversized to help control downstream flooding. Mr. Noles asked for council's continued support and their group was grateful for the recommendation for approval that was received from the planning commission two months ago. Mr. Noles stated Beachwood is consistent with the approved preliminary PUD, provides a significant benefit to the community, and is consistent with the Walled Lake Master Plan. Mr. Noles said the Beachwood development achieves Master Plan goals while solving a community problem. Mr. Noles stated there were two changes that he wished to discuss tonight, and he opined they were minor differences from the approved PUD. They include two items: (1) Retention vs. Detention; (2) a partial waiver from the ordinance requiring tree replacement. Mr. Noles said there was an agenda item tonight under Unfinished Business, which is the second reading of a change to the city's vegetation ordinance which greatly brings their proposal in line with what they were requesting previously before the consideration of the change.

Mr. Noles discussed the storm water system and stated it does provide an immense benefit for all the residents of Walled Lake. Mr. Noles said the Beachwood system is designed to collect, store, and discharge water in a way that will reduce flooding. Mr. Noles said the oversized basin was considered a significant community benefit when the preliminary plan was approved. This is substantially unchanged however, what did change was the outlet design. The final soils report indicated that the soil would not allow the construction of a retention basin. A retention basin does not have a defined outlet. The water is supposed to percolate into the ground as its primary

outlet. Mr. Noles explained to remedy that problem, was to change to a detention basin, this releases water in a minimized way along a specified route. To design a system that would work, the outlet for the detention basin was configured to discharge at a controlled rate to an established Oakland County drain in the Leon Road ditch, where it flows south through the existing Oakland County outlet to Walled Lake. The Leon Road ditch is the outlet and is sized to handle the storm discharge which the development proposes to send to, but the driveway culverts restrict approximately 70% of the flow going through that ditch. Mr. Noles explained the improvements to Leon Road include: (1) reshaping the ditch so it flows properly; (2) replacing drive approaches along the route; (3) buried undersized culverts will be replaced; (4) and the work will occur in the public road right-of-way at Pulte's expense. The changes to the storm water management system will cost about \$300,000 dollars. That's additional to the amount that was approved with the preliminary plan. The new approaches, correctly sized culverts, controlled velocity, and reduced ditch bank erosion are all added benefits to those residents along the route. We have requested WRC evaluate the Leon Road, which is currently in process right now. First, the water will be released at a controlled rate. It will take four days to pump all of the water through the Leon Road ditch instead of just a few hours for uncontrolled run off. The discharge rate from the basin is 91% less than the undeveloped agricultural rate allowed by City and county standards. This limited discharge will ensure that there is an insignificant impact to downstream homes, roads, drains, or wetlands. The second factor is that the water is routed through an engineered public roadside ditch, and storm system, rather than over land flow through private backyards. Based on an analysis of the existing wetlands, the Beachwood water changes the surface level of that wetland by 1 quarter of an inch, it has almost 0 impact. Walled Lake is maintained, legally at established lake levels. It's a kettle lake. It doesn't have a river inlet; it's fed by ground and storm water runoff. The lake cannot exceed elevation 934 under normal rain events because it's controlled at the south end by a weir. Mr. Noles stated they performed Leon drain calculations, that 1 quarter of an inch calculation, by setting Walled Lake at the flood elevation, at 934 elevation, it still only came up to the 1 quarter inch impact. The wetland remains, at the low water level for the four days that Beachwood is pumping the 100-year event water down through the outlet. The wetland has a 15-inch drain that runs from the wetland out to the lake. The drain is owned by the Oakland County Water Resource Commission. The county inspected it, put a camera in it, and found that it had unauthorized alterations on both ends of the drain. On the one side there was a pipe extension, and they found that the homeowner who added that extension did a good job on the installation, and there was no obstruction on that end. WRC indicated they plan to leave that pipe in place as is. The other end, however, the outlet is obstructed by a seawall and a 6-inch metal pipe, taking that outlet down from 15 inches down to 6 inches which creates a restriction. Which is why that wetland has been unusually high over the last several years. That restriction is going to be repaired by the WRC this September per an email received from WRC confirming this. WRC chose that schedule because WRC wanted to wait until the lake season was over, so they didn't disrupt people utilizing the lake edge and the beach. WRC wants to do repair during the off-season. Mr. Noles said part of the fee that Pulte Homes is paying, pays to change the drainage district. Mr. Noles said the Beachwood development benefits surrounding properties in several ways by capturing, storing, and discharging water that will reduce flooding and uncontrolled run off. The basin discharges at a controlled rate to ensure an insignificant impact to downstream homes, roads, drains, and the existing wet land. Mr. Noles said the detention basin is being discharged at a controlled rate,

down through the Leon drain and out. The ditch will finally work, the undersized outlet pipe will be addressed, driveway aprons will be replaced, culverts will be reset and functional.

Mr. Noles stated the tree ordinance that is on agenda for second reading addresses preservation and replacement. The developer tagged every tree on the site and of those the largest, oldest, and healthier quality of specimens that are along the perimeter of the property. Mr. Noles explained they incorporated these trees in their design by creating a variable width preservation zone that runs anywhere from 29 ½ feet – 50 feet around the property, 29 ½ feet being the minimum, that preserves all these trees. Mr. Noles said they have analyzed the property, the existing vegetation of the property, and their tree preservation strategy is tailored to this specific piece of property to preserve trees that are going to be able to survive in the long run. They're going to have open space, air and light, they create a buffer between adjacent uses, they're critical root zones remain undisturbed at the rear yards of the property so that they don't end up dying by trying to save a tree that has pavement all around it. Mr. Noles said they focused the preservation along ones that were most likely to survive—the oldest and nicest specimens on the site. Mr. Noles said two of city's Master Plan goals are to promote screening and sustainability and this plan achieves both of those.

Council Member Costanzo asked the developer about trees as he read there were 254 trees not 300.

Mr. Noles explained there's 307 new trees that will be planted on site, 254 of them are considered replacement trees because the city has other tree requirements including frontage trees. Mr. Noles said the frontage along Decker road requires a certain number of trees, there's an open space tree planting requirement and some of those requirements can be satisfied by preserving existing trees. Mr. Noles said they proposal presents street trees, open space trees, and frontage trees, so the total new trees on the site is 300. The 254 that you're looking at is the number that counts as replacement trees.”

Council Member Ambrose clarified WRC is in the process of reviewing the drainage system, what is involved, and will they be verifying what they said is really happening.

Mr. Noles explained there are three Oakland County Water Resources Commission Reviews that are required as part of this development. He explained one is for sewer, one is for water, and one is for drainage. He said the sewer has already been approved by WRC. The second is the water and the required flow test has been completed and there is sufficient capacity in the water lines. He said there is a question as to which water main to tap because there is an 8 inch and a 12 inch, and the developer is working that out between the County and the City. The third is the drainage. He said the drainage is reviewed by Jeff Wilson of WRC and that will require a formal drainage amendment. That is in process, the developer received the agreement today. Then there is the transfer fee to move it from one to another, which costs about 14 thousand dollars and Pulte has no issue with paying that transfer fee and it happens after this body gives its final approval, if it chooses to approve this project. The last item then is to repair the outlet pipe at the lake; however, this is going to occur whether the developer is approved to move forward or not now that WRC is aware of it. The only difference is WRC will have money to repair the outlet pipe

after the developer pays the transfer fee of 14 thousand dollars. Mr. Noles said WRC does not have the special access to the people in the current drainage area, which is about 40-acres to make that repair.

Mayor Ackley clarified that WRC has approved what is happening with the drainage design, calculations, and figures and all that is left to be done is the paperwork and map.

Mr. Noles stated yes.

Council Member Costanzo asked about the maintenance of the detention pond will it occur annually or biannually.

Mr. Noles said the maintenance between the retention and detention pond differs. He explained the retention pond requires more silt maintenance because it was supposed to percolate in and it would get silted up, and then they would have to go in and dredge out the pond. The developer is no longer doing this, the maintenance that's going to be involved in the pond is more like mowing around the outlet pipes where there is rip-rap, if any silt or debris gets built up in there they would have to remove and replace the rip-rap that's around those outlet pipes, and then also the pump maintenance. The development's homeowner's association is responsible for all of that maintenance. As a backup protection, the City of Walled Lake, has the right and an easement to go in and do that maintenance if the homeowner association fails to meet its duty, and can charge them on their taxes to pay for that maintenance. He said that's all part of the PUD agreement that guarantees that the homeowner association will take care of their maintenance. Those are private improvements that property owners are responsible to maintain, but if they fail to do so then it has impact on the community and Walled Lake has the right to remedy that by going in and taking action.

Mayor Ackley explained to council and audience that council will now move into audience participation. The council has a closed session at the end of the meeting regarding the agreement and after the executive session and exiting the session council may vote. Mayor Ackley opened the meeting to audience participation.

#### **AUDIENCE PARTICIPATION:**

Randy Champe, 1275 Leon – said he just found out about this meeting last night, again. With no notice, which I believe I was supposed to be given I believe since its adjacent property. I just pulled stuff off of the website seeing all these other changes and I'm seeing now in the plans that you're asking also for a five foot side to side from the houses, where the current development requires a minimum of 10 or a combination of 25, and now you're asking for 10 feet between these houses. I can spit further than that. I don't understand why that reduction in setback. That's another main concern, which all comes back to the density. It's great if something can help the natural flow, but by building all of this in the roads, you're stopping all of the water that goes down and you're having to create all these drains. So, now I'm concerned about if that's going to come through, how is that going to affect me, my quality of life, my neighbors quality of life, mosquitos, the light and sound pollution, all of the wild life I guess is not a question because you

can't answer that. We have wildlife back there now that we haven't had in the last 50 years. We have red fox, eagles that come from neighbors that hunt, we have wild turkeys, there's all kinds of wildlife now. But for my direct health I'm concerned about the mosquitos. If people want to buy a house that's 10 feet away from the next house, then that's their choice. The next relevant point is the health of the community. I like to sit in my backyard. It's wonderful—I have trees all around, I see deer come, groundhogs come and eat the clover, the fawns chase after the turkey's—I want to be able to sit out there still and not have swarms of mosquitos around me.

Mr. Noles the side yard setbacks in the PUD is in place so that flexibility can be incorporated into the design to meet certain Master Plan goals. By clustering the houses close together, it gave us an opportunity to preserve the open spaces. All of that additional area where we are putting a permanent conservation area, has to come from somewhere so we are putting the houses closer together. So that is a response to your question about why the houses are so close together.

Mr. Noles explained regarding the notice, this project has been under consideration for about a year and a half. There have been public notices for all the public hearings. This is technically not a public hearing, but your city council has opened it up to questions from its residents so we can have exchanges like this, to promote communication, to have that communication and responses to your questions. So, the public hearing at the planned commission was opened specifically for that requires a notice including the notice that was placed in the paper. This meeting doesn't require that same notice, but there have been multiple public hearings in this project, and I commend your city council for opening up and being so transparent with the residents and giving opportunities for this type of dialogue.

Mr. Noles explained the development could employ additional mosquito abatement, there is no opposition, the homeowner's association has to do certain maintenance anyways, they could add spraying for mosquitos there but unless everybody in the entire area also sprays, it won't make a bit of difference. The mosquitos are going to continue. Mr. Noles said that all the water discussed earlier, the 156,000 cubic feet of water, the 12 million gallons of water that comes down with or without the development, sits in the property, it sits in your rear yards and it sits in your neighbors backyards—that's where the mosquitos breed.

Mr. Noles said regarding the light pollution, sound pollution and wildlife, these are things that everybody is concerned about. There are ordinances put in place to prevent light pollution. For example, they require shielding on any outdoor lighting. Regarding wildlife, if you look at that aerial back in 1940 of our property, you'll also notice the property all around it was heavily wooded. It no longer is heavily wooded—there's road and homes, there's a trade-off. It's not just your property that could get developed into a home, everyone else has property rights. As communities mature, they start to write ordinances that restrict the ways in which we can develop properties and we are meeting all of those ordinances, we're doing it in a way that is sustainable, benefits the community, and meets the Master Plan goals.

Jennifer Mehs, 919 Bluffton – said she read one large tree can lift up 100 gallons of water out the ground in a day, this is from North Carolina University, and so this means all these trees that they're cutting down are also taking water so that is going to increase the water in the pond,

correct? I'm just asking council to not give the developer a tree exemption. I'd like to see the trees planted other ways. Riley Park could use some trees, the trees, around here could use mature trees, and I think this is what's best for the city. She asked about the two lots on Leon, do they have deeded access for the lake? Because they are going to sell those at some point. Is it in the deed? Do they have lake access? I understand it was an issue before I don't know what was final. Also, I read in the study it said there was going to be no traffic impact on Leon. There's no way that you aren't going to have any traffic impact. People who go to Wixom or the beach downtown are going to be using that road, so whoever wrote that doesn't live around here or I'm not sure. I think that's it.

Mr. Noles explained the proposal demonstrates saving 174 regular trees and permanently preserving 64 existing landmark trees on the site, as well as planting the 309 additional trees. The second reading of the vegetation ordinance as I mentioned earlier, will bring this very close to a wash under that ordinance. Regarding lake access, the 36 units within the PUD have relinquished lake access, all 36 units will not have lake access. The two parcels not part of the PUD are being split off and they will still have whatever lake access goes with the folks on Leon Road. Regarding traffic impact, traffic impact is a science. They go and they count cars, trips, they do studies of what we're proposing to build, they figure what type of trips those folks will have during rush hours and non-peak hours and they take a look at the traffic patterns around the area and they decide if additional improvements are warranted because of this development. It's a science and they have come up with an answer that says, based on the accepted traffic analysis this will not have a negative impact.

Lisa Stefan, 209 Cheritan – asked setbacks and how are those front and rear setbacks going to be, and how transparent is Pulte going to be with the potential homeowners that purchase these properties? In my experience with different builders, and I'm going to speak to Pulte because that's who we're talking about, they maximize the lot and they are not forth coming if you want to put a deck on the back of the house because they say, "Oh you don't meet the setbacks, there's not enough room." So, I'm really curious to know how you guys plan on handling that and if that's something you're going to let the people know. For example, if you want to buy this house you might not have room for that deck that you want to put, or the pool, to entertain your family. So, I'd like to have an answer for that."

Mr. Noles explained the setbacks are set in the approved plans, the approved engineering plans, and also in exhibit B. In this case the front setbacks 25 ft., I would have to refer to the plans. The rear setbacks, I believe are 30 or 35, and the side was mentioned at 10. The side yard setbacks are legally set on the plans. The building department reviews every single plan that we submit to make sure that it's within the setbacks. Regarding transparency, there's a condominium document that gets recorded with the state and is included with every purchased package when a homeowner comes to buy a lot. It describes their lot legally, it gives the setbacks, it shows the boundaries, it shows the size and exhibit B is part of the documentation that define it as a legal document. It's given to every homeowner, recorded by the state, approved by the local municipality. Mr. Noles said there are multiple ways that a person can do their due diligence to ensure that the deck of their dreams can be built on their house or not. Those are questions that the sales folks are well versed in. In some cases, where there are issues with decks because there

are unusual building envelopes, those customers can have us run different design scenarios before they purchase so they can understand exactly what they can do. In a case where there was no deck that was able to be built, those would be disclosures. There are legal disclosures in our purchase agreement is where we disclose issues that might be a problem. For example, there was a legal disclosure in Northville where you know you live one mile from a dump. That was in the purchase agreement.

Marilyn Boylan, 761 E. Walled Lake – thanked council for allowing us to come and speak because I think this is important for all of us. I don't live on Leon, or that close, but I sympathize with the people who are on Sparks and close to this area. One of the things that is very easy for a salesperson to come up and say that everything is going to be told to the people, but the people in East Bay didn't know they didn't have lake rights. The subdivision with beautiful homes over in Novi, on the west side of the lake, didn't know that they didn't have lake rights and they bought very expensive homes. My main concern is the wildlife. I'm not a fan of zoos, and when I see my grandchildren look at a wild animal, it's amazing. I feel very bad that we're putting dollar value so that we can have something ahead of this opportunity for our children and their children to see the wildlife. It's not the same when deer are going to be clustered into this one little area. We need keep giving them a spot to live. Deer, fox, whatever else was mentioned. I'll just feel really bad if this goes through.

John Henehan, 1545 Leon – said Robert, Gabriel, Casey, Linda, John, Bennett, and Tamra who is not here. This is our city and we have come forth as a group over several meetings. The group of this city is not in favor of this plan. I get you guys see dollar signs. I think you guys are clueless. Tell me which one of you knows which particular property, on this property, has had a recent weather event that has caused destruction to one of the properties on this site. Can anybody tell me who's had that? Can you guys tell me about the community that you live in? That you want, the man here, who says we're going by the Master Plan although the Master Plan doesn't call for anything close to what this particular development is. You guys are thinking it's great, it's going to solve all of our water problems, all the screw ups we had down in East Bay, we're going to have this retention plan, and everything is going to be beautiful. But you guys don't even know which property here, where we all live, has caused significant damage to one of the properties on this development. Even Mr. Developer here, which I don't even know your name because you came in like a ringer on a baseball team where they bring in the homerun hitter because the first guy just wasn't selling the project very well, and so it's your turn to say hey let's get city council and have Linda here sitting on her phone while at the end of the meeting she's staging business cards. This is our city, and this community does not want this development. Three of you are up for reelection, and don't think we don't know who those three people are. I get you want the city to be great, and I want it to be great that's why I've lived here for 30 years, and we want our wildlife. I get people have the rights to develop properties, but this property is being developed for all the wrong reasons. The Master Plan says to make it into a community park. The village, Walled Lake has 6 distinct properties, the neighborhood of East downtown doesn't have a city park, and this would be the perfect place to put it. We can do that. We can still do that now. You don't have to vote today to approve this. When I say you're clueless, you don't know what's going on in your own neighborhood. You don't know what's going on in your town. You don't know what kind of properties, when he talks about 100 year



storms, and you have a ton of farmers throughout the country who haven't planted their crops this year because there was too much water, and he says "Oh, the water, we'll be able to handle it. We'll just send it down to Donna's property. If you don't know who Donna's property is, you haven't lived here. Donna's been a part of this community for a long time.

Neal Wolfson, 565 Winwood – said the city is getting some money to fix Decker Road, maybe next year, but I understand a lot of roads within the Tri-A area are in need of repair and I'm curious why over a period of time it seems like it hasn't been addressed by the city council? I don't know if it's in the works or not. I know there is a disagreement with Gabe and some of the other city council members about the DDA using funds to fix Decker, in which they say is a gateway road, and it makes sense because people can get downtown through Decker. However, the issue is that the repairs of the roads within the Tri-A area are public roads. The next thing is that we have a class A school system here. These condos are not going to be cheap, and if they don't do this condo, how are they going to solve the water problem and who is going to pay for it? I'm not saying it's a good thing or a bad thing because the people here have a good reason why they don't like it, but I see good positive things for this. Number one is it's a lot of taxes for the city to take care of some of the private roads. It costs money to run the city, including our school system that will bring in more money. It's good to look into the future too.

Scott Toth, 455 Sparks Lane – said recently purchased a property at 800 Leon. As mentioned just a minute ago, a lot of these things might seem to have some added benefit to the area, but there are a lot of questions I have, or items that should be pointed out. So, the 156,000 cubic feet volume that's not being proposed, I do want to note that it said 56,000 in the presentation which is way lower. That is 60% of what was in the initial proposal that was submitted on June 2018, which had over 200,000 cubic feet storage capacity. At that time, it was brought up about the flooding issues that were occurring. At that point, they switched over to a detention basin. It was going to retain even more water than the 264,000 cubic feet and now it's 60% smaller when it's coming to this city council for approval. It might even be just 21% of that size if it's really 56,000 and not 156,000, so that's critical. So, already we're looking at a smaller basin that was initially deemed an issue, so much so that when the plans were redeveloped to reduce the number of homes, a whole plan for a detention pond was put into place. Soil samples were collected, analyses were performed, and that cost a lot of money. So, if before 264,000 cubic feet wasn't enough, why is only 156,000 feet enough now? Second, I do want to point out that the water drainage path in the 126-acre area that was pointed out with red arrows that goes through by Sparks Lane and across through East Bay, does not at all reflect reality. East Bay has their own retention basin that has berms that block any water from flowing across and down through towards the wetland area, which is also an issue. I also question that the plans account from 100-year rain-event, which can happen multiple times in a single year, just like 2018. I also question whether or not the wetland area downstream of this retention plan can handle multiple 100-year events, in one season, within three days. In 2018, in the spring, we had multiple 100-year event rains, and the ground was frozen with tons of issues. I also want to point out that during the last election, old council members that were running indicated in interviews that storm water discharge was very important to them and this seems to go against that as we're just discharging more storm water into the lake. The PUD tree line buffers were a critical issue and Mr. Schaeffer indicated that these would not be a problem. Now they want to have a waiver to plant 63% fewer

trees than what's the bare minimum of our ordinance, which I think is ridiculous. Who's responsible for inspecting the retention basin on a regular basis? It's hidden in the back of the development and you can't see it. The only time that someone is going to notify someone about a problem is when there is one. There's no preventative maintenance in these situations, just look at East Bay. It took years, according to Kim in the Tri-A area, 6-7 year of complaining before action was taken. Decker Road reconstruction, we all know this needs to happen, it will be great when it does. Please, make sure to redo the road after the development is complete because those 18 wheelers will destroy everything that you've done. Out lots, with lake access, I hate that idea because there are already too many boats on Leon. I would much rather see some green space, maybe some trees to soak up some water. As mentioned, a good weeping willow can pull up some good 600 gallons a day. And I do want to call out that at least a portion of the traffic study was performed during spring break when many schools were closed, and people were on vacation. As someone who works in data analysis, I find that to be a critical fielding mistake.

Mr. Noles explained there are 156,000 cubic feet in the basin, not 56,000 cubic feet. The difference between and retention basin and a detention basin, has to do with that volume difference. If you don't have an outlet the county drainage requirements and local drainage requirements, require that you be able to store back to back 100-year events. Because you don't have an outlet, it's has to have time to percolate down. In this case, when there is a detention basin and where we are detaining the water, we are pumping it out over four days. So, the storm surge doesn't happen over a matter of hours, it gets trickled out over a matter of days. You could have about 100 100-year events, and as long as they weren't within 4 days of each other, then they would constantly be pumped down at the same rate that we talked about, that quarter inch into the wetland rate. Also, one last point about Walled Lake is that Walled Lake is fed only by springs and storm water discharge. It's the only source of water for the lake. So, when the lake drops down below the weir level, the only way for the lake to get back up is from the storm water. The storm water is cleaned, filtered and stored through best management practices and that's how our storm water management is designed.

Mr. Toth said just to clarify the 264,113 cubic feet that I stated, was the initial retention basin size, when draining down to Leon the original plan from June 2018. Not the detention. So, now we're 60% smaller.

Mr. Noles said the 156,000 cubic feet that are currently in the storm water basin, meets all of the city and county requirements for a storm water basin of this size. The reason that it was twice as large at one point is because it doesn't have an outlet. The basin has been reviewed by professional engineers, and professional review consultants on behalf of the city.

Mayor Ackley said when it was a larger volume amount the basin was a different type; the water was going to go down into the ground rather than be pumped out into the drainage and down to the lake.

Mr. Noles said that is correct. It was going to be a retention, retaining the water, letting it perk into the ground and that was the preliminary approval. The preliminary approval came before the planning commission and city council, and that was the proposed design. After the soil borings it

was found to then be unsustainable. The retention basin was going to get plugged up, and it wasn't going to work. The redesigned basin was for a detention basin with the appropriate sizes required by all of the drainage restrictions. In addition to the new detention basin, the basin is larger than the 10-acre property that we're talking about. There's a 20-acre drainage area that drains to this detention basin. Mr. Noles explained the developer is not obligated by any of the storm water management criteria to design the basin to take all 20-acres. The developer could have designed diversion swales all around the perimeter of the property and allow the adjacent runoff water to continue to run down to Sparks Lane, Gamma, Omega, and flood those backyards, and next to East Bay where, yes, they have a detention basin but if you go look at the rear yard storm they're filled up to the rims with water because it's not draining well. Mr. Noles said the development is removing that water out of that drainage area and redirecting it through a controlled manner through another route that's been reviewed by professional engineers and permitted that way.

Christie Brown-Ambrose, 440 E Walled Lake Drive – said she would like to caution the council on the area that they're going to be draining all of this water down to. I know they're going to be doing it in a slow process, but that area on Leon, East Walled Lake Drive and Arvida, that wetland area is pretty full. I don't know how it's going from that point to the lake. She asked if there should be some type of pump to ensure that the water doesn't flood out those people.

Mayor Ackley explained that is the area WRC is increasing the size of the outlet.

Mr. Noles said there is a 15-inch pipe that run from that wetland, out to Walled Lake that is owned by Oakland County Water Resources. That's the one that had unauthorized restrictions added to the pipe, which are going to be removed by WRC. He said there is an outlet for that wetland to the lake.

Hailey Henehan, 1545 Leon – opined the development is not solving a community problem. At the planning commission, there were three people that said they were going to move if you guys put that through. How does that solve a community problem if people are going to move? Don't you want people to come and love and live in this city? I used to, and now I don't anymore and that's so sad to me. Second of all, this does not follow the Master Plan. My dad actually read, word for word, the Master Plan when this came out, have you guys all read the Master Plan? Because this does not follow the Master Plan. I stayed up while he read all night. This doesn't even remotely follow the Master Plan. He's got it over there, and there's like 30 points that this doesn't even hit. Next, he said that this plan is substantially unchanged. Well you didn't approve it last year, why are you going to approve it now if it is substantially unchanged and there were so many issues last year? He wants to put this line into Leon for the ditch, well, I currently live next to it and it is huge. We call it "Lake Gary." There is so much water. It is only going to get worse, and this is just like what you guys had said with Beach Wood. It's going to be "perfect." It's disgusting down there. I go on walks every night and there are tires in there. Who really maintains that? The homeowner's association, really? No, because it's disgusting. The quality of life is going to be horrible. There will be people in my backyard. I want to see turkeys, not someone in their backyard. I don't live in Novi; I live in Walled Lake. What about the road? Is it going to be an emergency road? Why hasn't this road been brought up? I get that he doesn't care

about the extra mosquitos, there are already some, but it is going to create more. It's going to create a worse problem. Trees are important and they help the water. He's replacing some, but at the bare minimum. Do we really want to be a community that does the bare minimum? But, why am I mentioning this? Why are you even listening to this? Well, because I am a voter and I'm voting for you guys. You guys are up for reelection, I walk this community, I talk to people, and I talk to some of you guys. I am going to make sure that I am voting for the people that make my community better. I'm going to make sure that I'm speaking to my community and that I'm making it sure that I'm voting for the people who care for me and who listen to me. Not the people who listen to him, who lives in Plymouth, who literally said he doesn't care about the deer and they can quote, "Go somewhere else." He lives in Plymouth and doesn't care about us. He doesn't live in Walled Lake, I do, and these people do. My last point is that you didn't even care to ask about the home that was damaged in the community. Do you know it's his home? It's the home next to me, and you didn't even care to ask and that's really sad to me."

Sylvia Toth, 455 Sparks Lane – said one thing that strikes me is there is a huge chunk of discrepancies by what was adjusted in the original PUD by Mr. Schaeffer last year, and we are working with by the gentleman this year. Some of the issues is like the retention basin, and Scott had pulled out the PUD and meeting minutes and it does show meeting minutes and retention basin with drainage and the gentleman said that's not the case. However, we have a picture of it and indeed that is the case. Also, the drainage last year Mr. Schaeffer had claimed that the drainage had been checked, reviewed, it will work, it's approved, and of course now we come up with a new drainage plan. The point that I'm trying to make is there's discrepancies, there's reason to question and reason to doubt whether we are going to walk into another East Bay situation. There are people that plan to live here for 30 years, hopefully, like John. And now I need to tell you about Sparks. You know the situation we are living in; you know we are experiencing issues from East Bay, and now it's going to be on the other side of us. So, do we like the ideas? Absolutely not. And back to the mosquito problem, this year we started paying a good chunk of change to have our yard treated because East Bay's absolutely, not only flooding us with water, but also mosquitos because of their retention pond they have. And the one you will put on the other side of us is creating a nightmare, where we cannot go out, let alone our newborn daughter. There is stuff you can do, but it is expensive. This being said, the traffic issue study that was done was not a good timing to do the traffic study. Traffic studies are a science, yes that is absolutely correct, however it doesn't take much common sense to figure out that if you add 38 new homes, times at the very minimum 2 vehicles, that is going to create a traffic problem. With all my respect, it's a disaster right now. Not only on Decker, but on Leon, trying to walk on that road is a hazardous situation and I'm surprised we haven't had someone killed and murdered. We are terrified for our 5-month-old child because nobody cares. I love the Walled Lake Police department, but that's an area that could be monitored more. Then also, the situation with the trees, it doesn't make sense to me to think from the perspective of how many gallons of water one tree can consume per day. If we remove all of the trees that are proposed to be removed then the exemption to replace all of the trees, the construction and cement that will go in there will not help the drainage. To me that doesn't make sense, and the retention part was already a complete failure in East Bay so this doesn't give me any comfort that this will be better despite of the reviewers. I apologize to keep going back to East Bay, but that was a major mistake that we now recognize and that is impacting all of us, and we can't do anything about it.

So, I really don't want to run into the second one in the city that is literally 200 yards away from each other. And last but not least, what will we do about this project if we run into a situation, just like in East Bay, where we have a whole bunch of buildings a property that's undeveloped and sitting as a safety hazard with just basements created. So, what if we run into an economic downturn that's actually expected to hit the United States. Out of those 38 homes, for example, 20% of them doesn't get developed, we're missing the trees, we're missing the wildlife, and we have a whole bunch of property potentially again creating hazards for others.

Michelle Henehan, 1545 Leon – said the red areas, which is where I live, drain down on their own. They don't drain. We call it Lake Gary on this side, and in my back yard it is totally flooded. We have ducks that come back each year because our back yard is completely flooded. I don't know how your drainage is going to address that. Truthfully, in my eyes, I see this still is only a gamble. You want to take that gamble. This water retention pond that might solve the problem is only a gamble.

Michael Johnson 1269 Delta – asked if Walled Lake has to put any money into this or is Pulte forking all of it.

City Manager Whitt said, “No. The city is not contributing any money to any development”. Mr. Whitt explained the developer is proposing to do some improvement that may or may not, depending on which side you're on, improve the city and save the city money. Mr. Whitt said that is a debatable issue. Mr. Whitt opined the city is contributing no money through that development whatsoever. If it passes, or if there are improvements, then the city may follow through and try to improve things and we try to piggyback on projects, but there is no connection. Mr. Whitt stated, “I've met this man once”. This is an independent project, and planning commission is required by law to listen, staff is required to push it forward until it's voted up or voted down. Mr. Whitt explained he operates city administration and there's no commitment of any finances to that project whatsoever.

Manager Whitt explained one item that came up tonight that's particularly important, that shouldn't be missed, is nobody asked why the seawall ended up restricting the outlet pipe, this is causing a lot of the problem, and somebody locally did that. We don't know why somebody messed with the pipe, but if it turns out that that improvement drains in a better way, then the city has to have our engineers look at it. Mr. Whitt opined, “That's not a commitment to his project. That's a commitment to your life”.

Michael Johnson asked who is paying for the retention pond, ditches, and culverts.

Mayor Ackley said Pulte Homes.

Manager Whitt stated the city will make sure to participate by making sure it's done correctly. But the city has made no connection or commitment, but if they do that, the city still has to approve that work. Mr. Whitt said no money was committed, no money hidden, no money agenda. It's completely transparent, we don't know these people.

Mr. Henehan asked if the city attorney confirm that.

City Attorney Vanerian stated there is no financial commitment by the city to the developer or to the project. There are permits that will have to be pulled, as there is every time someone does any type of improvement to the property or the building, and there will be inspections that will be performed by the building official or the engineers. The developer is going to be paying for the city's consultant costs and fees. For example, if there's costs that are incurred by the city for work that's done by the city consultants, the engineer, and planner and so on and so forth the developer is going to pay for that.

Kyler Pilnick, 1428 N. Pontiac Trail – asked how many total trees there were before any construction was done to the property and how many total trees will remain? He asked if there was a plan to bring that total number of trees throughout the city, spread through parks, beaches, and even throughout other subdivisions or neighborhoods. He asked if there is a future plan of relocating or planting the trees that currently exist? He stated, “because you did state that some of which were invasive species, or had diseases, which obviously I'm sure many of us would not want to spread around throughout the community.”

Mr. Noles explained the tree survey indicates that there are 1,029 trees that are 5 inches, diameter breast height and larger which is a requirement to survey the property. We are removing 121 trees from that count that are exempt from the tree protection ordinance because they're dead or have other problems, so there are 907 trees that are subject to the ordinance. We are saving 242 trees and are removing 665 trees. All of the 665 trees, 46 are landmark, and per the existing ordinance, 695 replacement trees are required. That ordinance is up for consideration today to be modified which would not require that level. The reason that it's modified is because it produces an undue burden on properties. Your city has looked at other city ordinances to see what type of exemptions they have so that they could still preserve natural features but also encourage development that's consistent with the goals stated in their Master Plan. We are planting 309 new trees; we are not planting any new trees off of the property.

Susan Helke, 1361 Shaw – said the problem with the flooding in the Tri-A area, which has been going on for years, you are claiming will be fixed by adding 36 more buildings, removing trees, paving driveways, paving streets, and you claim that this will be a good thing in the Tri-A area. I wasn't here when East Bay was built, but I understand that many promises were made then too. Promises from engineers in the state and they all turned out to be wrong, but now it's too late and we can't do anything about it. How will you make them keep their promises if it turns out that these plans don't work out after all? One of my husbands' favorite sayings is, “Water always wins.” Water is going to do what it wants to do, no matter how many plans there are, no matter how many engineering studies there are, as the Tri-A people can testify, they have lots and lots of pictures and lots and lots of bucks. Also, I would really like to point about the new home purchaser having an advantage to build decks, with everything being spelled out for them, but to me that only means that the second purchaser in line is the one that's going to be screwed. They won't have it spelled out for them--by then it will be too late. The last point that I really liked was that you're going to make your plans based on Novi and Canton. Take a look at Novi and Canton—they are a nightmare. We don't want to live in Novi or Canton, we'd like to live in

Walled Lake. We'd like to have some of these problems fixed but we'd like to have our values defended.

Mayor Ackley stated she does not believe anyone said the problems in Tri-A were going to be solved. I think the gentleman said it would help the drainage, but I don't remember the word solved being stated.

Jeff Rondeau, 1159 Wabasso – said he worked here when East Bay development was being developed. These guys come in and developed it, they do it as close as they can, when it's close to the end they wash their hands of it and give it to the property owners. So, whatever problems there are going to be when they leave, will be in hands of the property owners so we need to watch this close. As far as Tri-A sub is concerned, the roads are shot because no one has cleaned the ditch in 40 years. I don't understand how nobody sees that. When the ditch is filled with water they get under the road and they freeze. If we were cleaning the ditches 30 or 40 years ago, we wouldn't have this problem.

Darlene Ciampa, 1717 Ashstan – said last month's minutes read she made a personal attack on city council, so I did what everybody does, and I went onto the internet to look up the definition of personal attack. The definition of personally attacking someone is making an abusive remark on, or relating to one person, instead of providing evidence when examining another person's claims or comments. I did not make any personal attacks, and I would ask that the city council examine their own behavior, rather than the factually based letter that I wrote and submitted in last month's minutes.

Mike Johnson 1269 Delta – asked about the millage, or a millage, or a way to pay for our roads and our drain system at all. I've heard all about the Pulte thing, but I haven't heard anything about fixing the stuff that's already existing. The second part about that is right now we're putting in those fantastic new lines in, and who is going to fix my Delta Road now? You have huge loaders, going through there at 30 miles an hour that I watched tearing up that road. The excavators with the tracks are turning and dragging everything. That road was already crap, and it's now gravel. Then, people don't go through there to cut the corner because there are two signs that say not to do it. I've counted 25 people that don't live there, stopping and turning around in there, because the road just got too bad. The other fact is you've got this company, coming in and digging ditches and holes, and in my front yard in which they crushed my drainage ditch, and it's filled up. It rained today and it now is flooding out my yard again. Who's going to fix it? Is the company going to fix it? Are they going to fix the road that they've just annihilated today? They did, the road is just a complete wreck. We didn't want to fix it before, we didn't have the money, but we need to fix it now. It's not even safe for a bus to go on it. The two questions are: (1) is there going to be a millage, when, and how are we going to pay for it—to get our drainage and roads fixed, which we talked about before and then we never heard anything; (2) who is held responsible for the damage that this company is doing, which is destroying Gamma and Delta all the way around there with that front motor and the tracks going back and forth tearing it all up? Roads that were never meant to haul that kind of a load. That's it.

Dan Lauffer, 1488 Dover Hill North – thanked Gabriel Costanzo for his undying efforts to get the trail done.

Karen Kolke, 179 Spring Park – asked a question in regard to the police and fire millage we're renewing, is there some way between the city, police and fire where they could change the date so that it would be closer to an election, or wouldn't expire before an election, and save us the \$6,000 that it costs for that election. I don't know anything about the politics, but it just seems like with cooperation, maybe, extend the contract a couple months so that there is a regular general election being held and it can be put on the ballot at that time instead of having a special election two or three months before the regular election."

Rick Greenwell, 395 West Walled Lake Drive – said the recent photo on 2020/2021 finance report, showing 5 of the 6 council members and the mayor is a clear case of blatant biased. I'm sorry but you guys could have done better, and you should have included the other council person, by all means. Maybe there is a reason why, I don't know, but if there is, I would like to know. There is a seemingly lack of interest into the reckless behavior of our city manager as he has had made racially charged comments and statements at a council meeting, and while sworn in at a deposition for a lawsuit that landed Walled Lake in yet another lawsuit by Mr. Whitt's actions. The city manager works at the pleasure of the city council. This council permanently removed one of their own for calling somebody a name. There is a considerable difference between name calling, and repeatedly using racially charged slurs. A sworn officer of the city who sits on the highest seat, should be held to the highest degree of moral standards. In fact, the city manager should be of course setting the bar as to where the city should draw the line for acceptable behavior. An employee who has crossed this line, by way of making racially charged comments and statements, should have been immediately put on administrative leave without pay, pending the outcome of the lawsuit. That's my opinion. These are not just simple allegations. Mayor Ackley, the city attorney, and others were in the same room with Mr. Whitt during his sworn testimony where he made these racially charged comments. All of this information is public knowledge and is available through Oakland County. My hopes are that Walled Lake will escape any harm, as result of these lawsuits. My best guess tells me it doesn't look promising, especially after reading all of information in the lawsuits. Mayor Ackley, last meeting I inquired about the mysterious cameras and recording devices that showed up in our council chambers. When you had the floor, you remain silent. There was no explanation for them. We are asking you, Mayor Ackley, why haven't you initiated an investigation or taken any action to rectify the reckless behavior of our city manager? As a concerned resident, I see two choices here: let the Walled Lake residents know that you share our concerns on this pressing issue, and what you plan to do about it, or, you can choose to remain silent. If you choose to remain silent, your silence will speak volumes.

Dena Potter, 1856 Meadow Ridge – said S. Commerce where they opened a massage parlor, a little girl was running around the parking lot with a sign that said, "Massage \$20." Between the pot and the massage parlor, this is how you look out for our residents, by allowing this stuff in here. Except for council that has to live here, the others go to live in communities that don't allow this crap. City manager doesn't live here, and I bet most of these people don't either. You have a business owner, of one of these marijuana establishments, that gets away with threatening



residents, councilmen, and council candidates and nothing is done about it. In my opinion, this is a disgrace. You are the leaders that have created this mess. Mayor, you want to cry over some 5-year-old that says the city is so clean, go get him now. See what he sees out here now. I am so upset about this. Whoever does the minutes, look up the word diatribe. That happens to mean, a forceful or bitter attack on someone or something. I have no way attacked any of you. I just stated facts and truth.”

### **COUNCIL REPORT:**

Mayor Pro Tem Owsinek explained he attended the last trail council meeting. The trail has been closed pending finishing of the signalization. Bids have been placed for bollards to prevent vehicular traffic along the trail.

Council Member Ambrose explained he also attended the meeting and Supervisor Scott mentioned that all communities are in agreement and the communities of Wixom, Commerce, and Walled Lake will continue to table this so as to not lose sight of this new agreement.

### **CITY MANAGER REPORT:**

#### **1. Departmental / Divisional Statistical Reports**

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

**CM 7-3-19 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS**

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

#### **Discussion**

Council Member Costanzo said he has a point of inquiry why there was no Code Enforcement report. In driving through the city there are numerous vacant residential and commercial properties, the property across from the beach, the grass is really high. I don't see any citations in the departmental reports, and it looks terrible from the curbside. What is being done to enforce areas like this that are in violation of code.

City Manager Whitt explained we are out of the business of harassing business owners and residents with citations that has not served us well, the unprofessional approach that was conducted in the past has ended. Manager Whitt stated when the city works with people, the city works to gain compliance. Manager Whitt explained that in the warrant there are fees the city paid for grass cutting on those lots that did not fall into compliance and charge it back to the

property owners. Manager Whitt stated, "We are not bullying them, being mean to them, or cussing at them. That time is over". Council will no longer see a lot of citations.

Council candidate Jeff Rondeau yelled, "He is making a personal attack on me and I have had enough. I have had enough, throw me out. We are trying to be civilized. I have had enough Mayor, excuse me Mayor. I am not going to tolerate that. No more personal attacks sir".

Mayor Ackley called for order and requested the audience to please be quiet, there were no names mentioned and to please be quite for the last time.

City Manager Whitt explained the city does not operate to issue citations or bully people; we are out of the business of that. The people are contacted in a professional manner with police officers who have real authority and they work to obtain compliance. In an example such as overgrown grass Manager Whitt stated that if no compliance the grass will be cut and billed to the property owner. The pictures that are being produced, shows grass is growing, and it will do that. The lots will be addressed in a professional manner and work will continue to gain compliance.

Assistant City Manager Pesta explained the city was billed and then paid \$745 for grass cutting on properties that were cut for not becoming compliant.

City Manager Whitt said if that is what Council requests it will be done; it is not about writing a ticket it is about compliance. The warrant shows activity of grass cutting.

Council Member Costanzo asked about the new turning lane in front of city hall.

City Manager Whitt explained the apron was part of the redevelopment of the police, fire, and veterans' memorial apron. This was discussed and approved in the global project, here of the public safety campus. Manager Whitt explained this project was an extension, there was no special bid requirement for that section the project was part of the scope of work approved. Manager Whitt explained that it was just completed at a later date. Manager Whitt stated City Council approved the major project, including the right-of-way going over to public safety extension next door and work out front was part of the original plan.

City Manager Whitt said the construction project was an overall approval of this project, all were in approval except maybe one council member at the time. Manager Whitt stated there were no violations of bidding, there was not a requirement to bid, the city piggy backed on the county's bids. Manager Whitt stated the City Council knew and approved the extension, the work done next door, and the work here.

City Manager Whitt opined there was opposition to the redevelopment of the public safety campus and views that it did not matter what the area looked like. The Mayor and members of City Council wanted to improve the apron out front so when the city hosted the Memorial Day parade it was safer, and it improved the area of the Veteran's memorial.

Council Member Costanzo said the ditch request did go before council for approval and that amount was significantly less. Member Costanzo stated the apron project occurred two years after the fact and he did not remember discussing at any of the budget sessions. Member Costanzo stated his other point of inquiry is on the same page, page 47, there is \$10,000 expense to Boss Engineering. Council Member Costanzo stated he did not understand what this expense to Boss Engineering was for.

City Manager Whitt explained that he would not respond to Council Member Costanzo as he never called or made arrangements of inquiry prior to this council meeting.

Council Member Costanzo interrupted Manager Whitt's remarks and demanded a point of order.

City Manager Whitt explained he is not a member of the City Council and has a right to speak. Manager Whitt opined that Council Member Costanzo's calling a point of order to interrupt him as he is having a discussion with Council is not part of the rules or procedures. Manager Whitt opined that Council Member Costanzo calls for a point of order every time and interrupts. Manager Whitt opined that Council Member Costanzo implies that the city administration is doing something wrong and that is not what is happening. Manager Whitt explained that if Council Member Costanzo wants to meet, he is available.

Remarks were yelled from audience members that disrupted the meeting.

Mayor Ackley asked the audience to be quite and asked the audience please let the Council discuss the issues. She said there were no interruptions during audience participation and asked the audience to please let the Council discuss the issues.

Council Member Costanzo refused to agree to have a meeting with City Manager Whitt and said the Council meeting is where the discussion is to be had. Council Member Costanzo explained that he wouldn't meet with City Manager Whitt stating that to set up a meeting is not realistic.

#### Roll Call Vote

Ayes (5)	Lublin, Owsinek, Robertson, Ambrose, Ackley
Nays (1)	Costanzo
Absent (1)	Loch
Abstention (0)	

Mayor Ackley recessed the meeting 9:30 p.m.

Meeting reconvened 9:40 p.m.

- 2. Report on Walled Lake's New Community Theatre – Jewish Ensemble Theatre (JET) a 501 (c)(3) not-for-profit organization  
Introduction of JET Executive Director, Christopher Bremer**

City Manager Whitt introduced Mr. Christopher Bremer, the executive director of JET theatre.

Mr. Bremer explained they are a 501 (c)(3) organization. Mr. Bremer said everyone in the city offices has been very professional and very welcoming. Mr. Bremer explained his organization offers every Saturday in August a show of Little Red Riding Hood for the children.

City Manager Whitt said the theatre is nice and great experience for those who attend. Mr. Whitt stated the Downtown Development Authority (DDA) has agreed to provide support for signage through their Sign and Façade grant program. The organization brings a lot of culture to Walled Lake.

### **3. Report on Farmer's Market Property**

City Manager Whitt said the discussion is important and he introduced Boss Engineering. There has always been a plan for this parcel. The parcel was bought and there was a downturn with the contamination deep within the soils. The administration at the time decided to fence off the contaminated area. The City has had plans from the beginning. The contamination has been remediated not fixed, it is capped. If funds are used by the selling of the property, those funds will be used for a one-time purpose. Attempts to fix the contamination, will cost millions of dollars. What is being proposed is an extension of the public safety campus. What is proposed is a Police, Fire and Veterans memorial. The site would also double as the Farmer's Market area and pavilion. The funding would come from the police forfeiture funds as the site will be utilized for police and fire personnel and training purposes.

Patrick Leary, Boss Engineering explained there had been work on site a couple years ago. The area of contamination was capped, and fence was removed for accessibility. The area next to the site is being utilized for Farmer's Market. There was planning prior when the airline trail was proposed that included an observation shelter, enclosed fire training and recreation facility, picnic area, additional parking, decorative light fixtures, landscaping and such. Plus, the contaminated site would be cemented over. This site would be used as fire and police training as well as the Famer's Market and an open access point for the trailway.

City Manager Whitt explained remediation is different than rehabilitation. If Council pursues the option to sell it will cost a lot of money to clean it up. The City paid \$1.1 million for the site; it will not sell for that. This whole process of developing the site began when the public safety campus was collapsing. The use of public safety forfeiture monies will be utilized to complete this project. The city always knew there was going to be a trail but where was the trail head going to be? This area can be developed as an invitation to the trail. The funding to create the trail head was siphoned to the Commerce Township Bridge. This option provided tonight serves several purposes. Selling the property is not a solution, what it would be sold for would be so little. Manager Whitt asked Council not to ignore the lack of a trail head. This option can be funded by forfeiture funds for police and fire training while also serving as a veteran memorial.

Discussion

Council Member Costanzo asked if there was an estimated cost.

City Manager Whitt said no money has not been committed. The Council has the authority to sell the lot, but he recommends keeping the land and creating the site to be a training site for police and fire and serving as a trail head.

Mayor Ackley explained at last council meeting when it was brought up to form a committee. Mayor Ackley suggested instead of having a committee to review selling the property have a committee consisting of members of police, fire and veterans review this proposed plan and its potential.

Mayor Ackley sought a motion from council to approve a five-member committee of police, fire and veterans.

**CM 7-4-19 MOTION TO CREATE A FIVE MEMBER COMMITTEE  
CONSISTING OF INDIVIDUALS FROM POLICE AND FIRE AND  
VETERANS TO REVIEW OPPORTUNITIES FOR THE 1275 E  
WEST MAPLE ROAD SITE**

Motion by Ambrose, seconded by Lublin: UNANIMOUSLY CARRIED: To create a five-member committee consisting of individuals from police and fire and veterans to review opportunities for the 1275 E West Maple Road site.

Discussion

Police Chief Shakinis explained the city has an officer as a member of the DEA task force and over \$2 million dollars was forfeited off the streets. Chief Shakinis explained the partnership is making a difference just this year, the police forfeiture fund received over \$300,000. Manager Whitt explained forfeiture funds are restricted funds, the understanding of how to spend this money is required.

Manager Whitt explained there was a memorial at W. Walled Lake and Pontiac Trail, the memorial was relocated by prior administration to the city hall area. This new proposal provided tonight would have a new veteran's memorial on the site, it would be a place to visit, become a destination area for the city.

Manager Whitt explained there was a car accident this past weekend within the city. The fire department had to utilize the Jaws of Life to remove the injured. Manager Whitt commended the Fire Chief's actions and his professional behavior on the scene during this accident and rescue.

Roll Call Vote

Ayes (6) Lublin, Owsinek, Robertson, Ambrose, Costanzo, Ackley  
Nays (0)  
Absent (1) Loch  
Abstentions (0)

**4. Report on property adjacent to Marshall Taylor property available for park improvements**

City Manager Whitt explained it was brought to his attention there is a parcel that was thought to be part of the city' Marshall Taylor Park and it is not. The parcel is available for purchase. Manager Whitt sought Council approval to inquire and discuss the acquisition of the parcel.

Mrs. Christy Brown-Ambrose, local realtor and resident explained she is the realtor working with the property's representative. She explained she had conversations with them that this parcel is utilized as the entrance of the park, it is rather small with not much option of buildability, and the representative suggested possibly donating the parcel of land. Mrs. Brown-Ambrose explained the property owner also owns five other parcels and four of them will be going up for sale.

**CM 7-5-19 MOTION TO INSTRUCT THE CITY MANAGER TO INQUIRE AND DISCUSS THE PARCEL RELATED TO MARSHALL TAYLOR PARK**

Motion by Owsinek, seconded by Costanzo: UNANIMOUSLY CARRIED: To instruct the City Manager to inquire and discuss the parcel related to Marshall Taylor Park.

Roll Call Vote

Ayes (6) Owsinek, Robertson, Ambrose, Costanzo, Lublin, Ackley  
Nays (0)  
Absent (1) Loch  
Abstentions (0)

**5. Report on purchase of Free-Standing Message Board for Mercer Beach as recommended by the Parks and Recreation Commission**

City Manager Whitt said the Parks and Recreation Commission has asked for approval to purchase a message board sign. City Manager Whitt said under his authority as City Manager he can move funds to address purchases if under a certain figure such as this and unless there is an objection from council, he will move forward with review and purchase.

City Manager Whitt explained due to recent accusations, the city will be suspending any further operations with local business, Dance Dynamics from this point forward.

Manager Whitt explained he feels the city will be at risk if business is continued with Dance Dynamics due to the accusations of improper conduct. Manager Whitt opined this is a very serious matter and there is a criminal investigation. Manager Whitt explained he is issuing the memo to protect the city's best interest.

Council Member Ambrose stated there have been no formal charges.

City Manager Whitt stated assuming there are charges when an investigation is sought, is wrong. The investigation regarding Dance Dynamics is currently ongoing and the city is discontinuing any activity with them.

City Manager Whitt explained that the mandated inquiry given to him on Council Member Costanzo is going to require more time and he is not prepared to issue a report at this meeting.

## **CORRESPONDENCE**

None

## **ATTORNEY'S REPORT**

- 1. Closed Session request Confidential Attorney Client Communication – Planned Unit Development – Beachwood Condominiums pursuant to Section 8 (h) of the Open Meetings Act (OMA)**

Council Member Costanzo said he had a point of inquiry and he would prefer council not go into closed session and read aloud section 8 (h) of the Open Meetings Act to the audience members. Council Member Costanzo asked why and what part of section 8 (h), state or federal statute is being cited to go into closed session.

City Attorney Vanerian explained to Council Member Costanzo it is to discuss privileged confidential attorney client communications, a very well recognized and established exception to the open meetings act. Attorney Vanerian further explained the closed session is not to discuss the PUD itself and how Council is going to vote on it but to discuss the proposed development agreement that will set contractual terms that will control and have binding effect in the event if Council decided to approve the PUD. The city is in current negotiations with developer over the terms of the contract, to have discussions in open meetings where the other of the party to the contract is in the audience, provides the strategy of Council. The closed session is to discuss the confidential client communication cover letter.

**CM 7-6-19 TO ENTER INTO CLOSED SESSION TO DISCUSS  
CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION –  
PLANNED UNIT DEVELOPMENT - BEACHWOOD  
CONDOMINIUMS PURSUANT TO SECTION 8(H) OF THE OPEN  
MEETINGS ACT (OMA)**

Motion by Owsinek, seconded by Lublin, CARRIED: To enter into closed session to discuss Confidential Attorney Client Communication – Planned Unit Development – Beachwood Condominiums pursuant to Section 8(h) of the Open Meetings Act (OMA).

Roll Call Vote

Ayes (5)	Robertson, Ambrose, Lublin, Owsinek, Ackley
Nays (1)	Costanzo
Absent (1)	Loch
Abstention (0)	

**UNFINISHED BUSINESS:**

**1. Proposed Resolution 2019-2 Withdraw from the Commerce, Walled Lake, and Wixom Trailway Management Council**

**CM 7-7-19 MOTION TO TABLE RESOLUTION 2019-2 A RESOLUTION TO WITHDRAW FROM THE COMMERCE, WALLED LAKE, AND WIXOM TRAILWAY MANAGEMENT COUNCIL UNTIL THE NEXT REGULARLY SCHEDULED COUNCIL MEETING**

Motion by Owsinek, second by Ambrose, CARRIED: To table resolution 2019-2 a resolution to withdraw from the Commerce, Wixom, Walled Lake Trailway Management Council until the next regularly scheduled council meeting.

Discussion

Council Member Costanzo moved to amend motion to table indefinitely or introduce a new motion. Motion died for lack of support.

Mayor Ackley explained discussions between all three communities are still being had and it keeps it out there that Walled Lake wants to keep this moving forward.

Council Member Ambrose explained he believes Council Costanzo was in attendance at the last trailway council meeting where Supervisor Scott explained all three communities agreed to table resolution to continue discussions on the new interlocal agreement.

Mayor Pro Tem Owsinek explained all 3 communities have to come to an accord, this motion to table rather than kill it, keeps the other communities' feet to the fire to keep moving forward.

Mayor Ackley explained the new interlocal agreement will be in place for years to come.

Manager Whitt said the trail issue is the perpetual maintenance, if council does not reach a favorable interlocal agreement, the Walled Lake taxpayers will be held accountable. Manager



Whitt explained the negotiations are important, there is no argument about the trail itself or opposition to the trail, the argument is the Walled Lake taxpayer being on the hook for perpetual maintenance of the trail.

Council Member Ambrose explained the trailway council requested the continued tabling of the resolution until an agreement was reached.

#### Roll Call Vote

Ayes (5)	Lublin, Owsinek, Robertson, Ambrose, Ackley
Nays (1)	Costanzo
Absent (1)	Loch
Abstention (0)	

#### 2. Second Reading C-345-19 Amendment to Chapter 86 Vegetation

**CM 7-8-19 MOTION TO APPROVE SECOND READING OF C-345-19 AN ORDINANCE TO AMEND CHAPTER 86, "VEGETATION" TO AMEND AND ADOPT REGULATIONS FOR THE REMOVAL AND PROTECTION OF TREES WITHIN THE CITY OF WALLED LAKE FOR FURTHER DISCUSSIONS**

Motion by Ambrose, seconded by Robertson, UNANIMOUSLY CARRIED: To approve second reading of C-345-19 an ordinance to amend Chapter 86, "Vegetation" to amend and adopt regulations for the removal and protection of trees within the City of Walled Lake for further discussions

#### Discussion

Council Member Costanzo opined certain sections of this ordinance creates a tree police. Member Costanzo stated he has a problem with a person that owns a house and wants to remove a tree on their private property and has to have a permit to do so. Member Costanzo opined that the city permit fees are very high compared to other communities and it is ridiculous to ask government for a permit to remove a tree.

City Attorney Vanerian explained to Council Member Costanzo there are exceptions for removal of two protected trees per calendar year. Residents can take down two trees per year without a permit and on an acre or more, the removal of eight protected are permitted without permit. There are opportunities for homeowners to remove trees on their property without permit.

Roll Call Vote

Ayes (6)	Lublin, Owsinek, Robertson, Ambrose, Costanzo, Ackley
Nays (0)	
Absent (1)	Loch
Abstention (0)	

**NEW BUSINESS:**

**1. Proposed Draft Planned Unit Development Agreement for Beachwood Condominiums**

Discussion took place after approval of the minute.

**2. First Reading C-346-19 Amendment to Chapter 50 Consumer Fireworks**

**CM 7-9-19 MOTION TO APPROVE FIRST READING C-346-19 AN ORDINANCE ENACTED PURSUANT TO MCL 28.451, *ET SEQ.*, AS AMENDED, TO REGULATE CONSUMER FIREWORKS WITHIN THE CITY OF WALLED LAKE BY AMENDING SEC. 50-235 "FIREWORKS" OF THE WALLED LAKE CODE OF ORDINANCES**

Motion by Owsinek, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve first reading C-346-19 an ordinance enacted pursuant to MCL 28.451, *et seq.*, as amended, to regulate consumer fireworks within the City of Walled Lake by amending Sec. 50-235 "Fireworks" of the Walled Lake Code of Ordinances

Roll Call Vote

Ayes (6)	Lublin, Owsinek, Robertson, Ambrose, Costanzo, Ackley
Nays (0)	
Absent (1)	Loch
Abstention (0)	

**3. Discussion of City Sidewalks**

Council Member Costanzo said there are a lot of missing or damaged handicap ADA strip pads around the cross walks and asked if the city is in a liability issue because they are missing.

Mayor Ackley explained she has had conversation with the city DPW and looked at other communities, they are having the same issues.

City Manager Whitt asked Council Member Costanzo what the addresses. City Manager Whitt explained that the city needs a list from Council Member Costanzo as Council Member Costanzo's comments instantly made the city completely liable.

Council Member Costanzo explained the area by Stonecrest and Lynch Funeral Home and there is one by Tuffy on Maple and Pontiac Trail.

**COUNCIL COMMENTS:**

Council Member Costanzo asked for a response to his question of what the \$10,000 expense to Boss Engineering was for and asked the response to be provided to his Walled Lake email.

City Manager Whitt said he will follow-up with an email per Council Member Costanzo's request.

**MAYOR'S REPORT:**

Mayor Ackley commended the police and fire department. Mayor Ackley stated the new paving along S. Commerce to the end of the city towards Pontiac Trail is much better.

City Manager Whitt said Commissioner Long and DDA Chairman/Council Member Ambrose are responsible for the new paving along S. Commerce. The city tries to get items moved up on the list, Walled Lake has to be creative. Manager Whitt explained Decker Road is one of the worst roads and received grant monies for repair. The city roads in Tri-A will be looked at too. Manager Whitt explained there were property owner at tonight's meeting who was angry about the roads, they should have been angry 20 years ago, and the roads were neglected for a very long time. The city can only do so much at a time because it does cost money. The city is looking into ways to improve that area. The first item dealt with the public safety issue and placing the fire hydrants. Manager Whitt opined some people do not think fire hydrants were necessary. The next step is to find ways to fund the road improvements in Tri-A, this is a really big challenge.

Meeting recessed 10:48 p.m.

Meeting reconvened 10:59 p.m.

Entered into closed session 11:00 p.m.

Arose from closed session 11:16 p.m.

Mayor Ackley said Council was out of close session and back in open session, the Council will be discussing the PUD agreement for the Beachwood Development.

**CM 7-10-19 MOTION TO APPROVE THE PROPOSED PUD  
DEVELOPMENT CONTINGENT UPON THE DEVELOPER  
EXECUTING A DEVELOPER AGREEMENT APPROVED BY  
CITY COUNCIL AND RECOMMENDATIONS BY THE  
PLANNING COMMISSION**

Motion by Owsinek, seconded by Ambrose: CARRIED: Motion to approve the proposed PUD development contingent upon the developer executing a Developer Agreement approved by City Council and recommendations by the Planning Commission.

Discussion


Council Member Costanzo said Council has heard from the residents today. Member Costanzo said in the documents provided the lot sizes are much smaller than homes in the area, the setback is smaller, and it places close to traffic which creates an uninviting area. Member Costanzo explained the reduction from 441 trees down to 254, the developer has not proved a hardship for this. Member Costanzo stated this development will reduce property values for surrounding neighborhoods because the cookie cutter home design will not match what is there now. Member Costanzo explained he has read the Master Plan; this PUD agreement is in conflict and it will not fit with the city or maintain the integrity of our neighborhoods.

Roll Call Vote

Ayes (4)	Owsinek, Robertson, Ambrose, Ackley
Nays (2)	Costanzo, Lublin
Absent (1)	Loch
Abstentions (0)	

**ADJOURNMENT**

Meeting adjourned at 11:23 p.m.

  
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Jennifer A. Stuart, City Clerk

*approved 8/20/19*

  
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Linda S. Ackley, Mayor