



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, MAY 17, 2016
7:30 P.M.**

The Meeting was called to order at 7:30 p.m. by Mayor Pro Tem Ambrose.

Pledge of Allegiance led by Mayor Pro Tem Ambrose.

Invocation led by Mayor Pro Tem Ambrose

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

ABSENT: Mayor Ackley

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

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

CM 05-01-16 MOTION TO EXCUSE MAYOR ACKLEY FROM TONIGHT'S MEETING

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To excuse Mayor Ackley from tonight's meeting.

PUBLIC HEARING:

1. 2017 Fiscal Year Budget Appropriations

Finance Director Coogan provided a summary and synopsis of the 2017 Fiscal Year Budget Appropriations. She said Council, over the last five years has done a fantastic job managing the City's financial crisis has successfully closed the operational deficit gap. She explained although the budget is under control operationally there are still four (4) big ticket items that are of concern – capital improvement needs, pension debt, retiree health care debt, and water & sewer infrastructure maintenance. She said the city staff is down to 23 fulltime employees supplemented with part time employees which still provide the boots on the ground and staff in the office to provide service to residents.

She explained the budget has a planned use of the City's General Fund reserves for Capital Improvements purchases for 2017-2018 including a new fire truck, Maple Road repair and the public safety campus improvement. She said the DDA is estimated to have \$1.6 million in

reserves at the end of fiscal year 2018. She explained the Downtown Development Authority (DDA) captures funds from the City, Community Colleges, County, etc. She said the DDA is charged a fee for City services including administrative, public works, police and fire.

City Manager Whitt said the DDA serves an important purpose in supporting the downtown; and that includes more than hosting events. Finance Director Coogan said all the captured monies are tax revenues from the residents of Walled Lake and it is money that will be spent in Walled Lake.

Open Public Hearing 7:58 p.m.

Dennis Burks – 206 Spring Park - said he has been in the City for 53 years he asked if the bucket truck is completely worn out. He said he has seen it throughout the City doing work. Finance Director Coogan stated the bottom of the truck is rusted out and has a make shift bottom. He asked what is wrong with the current fire ambulance. He asked how old the current ambulance is. Fire Chief Coomer stated it was nine years old. Mayor Pro Tem Ambrose said there is revenue generated for each run the ambulance provides.

Mr. Burks said he is not in favor of having a Police Department in Walled Lake. He said in the evening the doors are locked at the station and he has heard all different kinds of negative things about trying to get a call through to the department during an emergency situation. He said the City is 2.2 miles in size, he asked why the City needs ten (10) police cars. He asked what the up keep cost and insurance was. He said the traffic is bad along Pontiac Trail near the funeral home the speed is 35 mph and people go 45-50 mph all day long and no officers are there. He said he is on the road a lot and he is in favor of bringing in the County or State to provide police services. He said there needs to be somebody at the counter in case somebody needs assistance. He said the police station needs to be manned regardless if it's the County or State providing the service.

Council Member Helke said she attended two of three budget work sessions and because she could not attend the third, she had met with Finance Director Coogan for a one on one. She asked to receive the budget in full before it comes before Council.

Close Public Hearing 8:04 p.m.

City Manager Whitt said next year's budget process can begin sooner and it can be modified to fit Council's needs.

Council agreed to move approval of New Business item #1 after the public hearing.

1. Proposed Resolution 2016-17 General Appropriations Act Fiscal Yr 2017

CM 05-02-16

**APPROVE RESOLUTION 2016-17 GENERAL APPROPRIATIONS
ACT FISCAL YEAR 2017**

Motion by Lublin, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2016-17 General Appropriations Act Fiscal Year 2017.

REQUESTS FOR AGENDA CHANGES:

City Attorney Vanerian said he is requesting to postpone Unfinished Business #1 Second Reading C-324-16 Consumer's Energy Franchise Agreement. He said he has a conference call scheduled for this Thursday with the attorney for Consumer's Energy. By Council's consent, the second reading was moved to next month's agenda.

APPROVAL OF MINUTES:

CM 05-03-16 APPROVAL OF THE APRIL 19, 2016 REGULAR COUNCIL MINUTES

Motion by Owsinek, seconded by Lublin, CARRIED UNANIMOUSLY: To approve the April 19, 2016 Regular Council Minutes.

AUDIENCE PARTICIPATION:

Tyler Johnson, 193 Spring Park – asked about the City's stance and game plan on the development of marijuana shops in the City. He said he has lived in the City his whole life. He asked if there were tax incentives for the City to have more pot shops like Bazonzo's. He asked if there was a tax incentive to bring them to Walled Lake. Mayor Pro Tem Ambrose said there was no intention to bring them to Walled Lake. He explained the people voted to somewhat legalize the medicinal use of marijuana and the City created an ordinance to regulate locations so there would not be an issue. He said the City is not picking up any revenue and does not promote any dispensaries.

Kenneth Kolke – 179 Spring Park - said he provided an email to Council regarding issues he would like further clarification on regarding the Maher project. He said he wants to review the Huron Watershed and how it relates to the City Zoning Code 10.01. He said as of 2006 under code C-2, General Purpose for Commercial District provides a variety of commercial uses not provided by C-1. He said it is served by a major thoroughfare and away from sensitive residential areas. He said he did research on the internet to define residential area; it is a neighborhood that falls within a watershed. He is asking for clarification. He said generally to the north there is a pipeline and south there is no confirmed property. He said he has an issue with public safety. He asked what the City's contingency plan is if there was an accident that required immediate evacuation of Spring Park or Fawn Lake Estates. He said they only have one way in and one way out and if Pontiac Trail is closed what does the City propose for him, the neighbors, children and senior citizens. He asked how the City plans to address evacuation should a situation arise. He said the business practice of Maher Enterprises consists of importing the material, warehouse it, and then contract the job out and fill the sites. He said it is not an actual street front commerce trading where someone can go in and purchase the product. He said he is asking for clarification. He said he did some further investigating of operating a commercial warehouse and it is to be zoned industrial. He thanked Council for their time.

Dennis Burks – 206 Spring Park - said Mr. Maher supposedly went around his neighborhood and spoke with the neighbors he did not talk with him. He said Mr. Maher provided a different blue print plan. He said he has never seen the new plan and he understands they have a two story building planned and have outlined a retention pond along the side of Fawn Lakes Estates property near Dan's Auto. He said Mr. Liddy said he had no idea this project was occurring. He said Mr. Maher has a right to develop his property but not a two story building, maybe a single garage. He said not to allow access or parking off of Spring Park. He said he has been in this area his whole life and there are too many things that contradict each other. He said he does not trust Mr. Maher. He said he has nothing to gain or lose; he and his family have lived on Spring Park a long time. He asked how the water runoff and snow removal would be addressed. He said there are water fowl nesting in the area where there is a proposed retention pond. He understands Walled Lake will not stay the small town he grew up in but this project is not going to work off of Spring Park. He said there are many other places in the City Mr. Maher can construct his big building.

Mayor Pro Tem Ambrose said the case already went before the Planning Commission and it is scheduled to go before the Zoning Board of Appeals, he said if there are further questions he suggested attending the Zoning Board of Appeals meetings.

Council Member Robertson said the applicant has a tentative approval from the Planning Commission provided Mr. Maher is approved for his variance from the Zoning Board of Appeals. He said there is no zero clearance anymore. He said there will be a hearing in June for the Zoning Board of Appeals. He said the height has come down from 40 feet to 30 feet and it is a flat roof instead of a steeple; he is required to have a masonry screen fence in the back between the residential and commercial property.

COUNCIL CONSIDERATION:

1. Fire Department Request for Ambulance Replacement

Fire Chief Coomer said the City was part of a committee formed by a conglomerate of municipalities who worked with Michigan Intergovernmental Trade Network (MITN) on Request for Proposals (RFP) for new vehicles. He said the committee awarded the bid to Mercy Sales Incorporated. He explained the ambulance has reached its nine year anticipated life cycle and they have had reliability issues and increased maintenance costs. He said this purchase is part of the Fiscal Year 2017 Capital Improvement Plan.

**CM 05-04-16 MOTION TO APPROVE BID AWARD FOR AMBULANCE
REPLACEMENT TO MERCY SALES INCORPORATED AND
GRAPHIK CONCEPTS FOR VEHICLE GRAPHICS IN THE
AMOUNT OF \$187,510.00**

Motion by Owsinek, seconded by Lublin, CARRIED UNANIMOUSLY: To approve bid award for ambulance replacement to Mercy Sales Incorporated and Graphik Concepts for vehicle graphics in the amount of \$187,510.00.

MAYOR'S REPORT: None

COUNCIL REPORT: None

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

a. Police

b. Fire

c. Code Enforcement

d. Finance

- **Warrant Report #5-2016**
- **Investment Report**
- **March 2016 Financial Highlights Report**

CM 05-05-16 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS

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

2. Executive Session to discuss Department / Division Head Contract

CM 05-06-16 APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS DEPARTMENT / DIVISION HEAD CONTRACT

Motion by Owsinek, seconded by Lublin, MOTION CARRIED: To enter into executive session to discuss Department / Division Head Contract.

Roll Call Vote:

Yes: (6) Helke, Loch, Lublin, Owsinek, Robertson, Ambrose

No: (0)

Absent: (1) Ackley

Abstain: (0)

(6-0) MOTION CARRIED

3. Executive Session to discuss pending labor negotiations

CM 05-07-16 APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING LABOR NEGOTIATIONS

Motion by Robertson, seconded by Lublin, MOTION CARRIED: To enter into executive session to discuss pending labor negotiations.

Roll Call Vote:

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

(6-0) MOTION CARRIED

CORRESPONDENCE:

1. Regarding complaint of trash service provided by Duncan Disposal

City Manager Whitt explained that there has been additional electronic communications received. He suggested that Council request a report for the next meeting to discuss the performance of Duncan Disposal. He said he expected somebody to speak about Duncan's service. He said the City has a contract and they work for the City. He said there are performance issues whether it's the resident's issues or Duncan's issues, its time Council had this discussion. He said city staff is receiving more phone calls and more complaints. He said Duncan Disposal's contract will be discussed at the next meeting and the letter will include a request to have a Duncan representative at the next Council meeting for an explanation.

Assistant City Manager Rodgers said that the contract requires a written 180 day notice of termination.

Mayor Pro Tem Ambrose said this is not a one-time incident. He said this was brought up about a year and half ago. He said he was not sure if it's the placement of the trash or what. He said our DPW has been out to pick up the missed trash.

City Manager Whitt stated Duncan Disposal needs to be notified their performance is a subject of public discussion. He said the city employees answering the phone are taking a beating from angry citizens and by all rights the citizens are angry.

CM 05-08-16 INSTRUCT MANAGEMENT TO SEND LETTER TO DUNCAN DISPOSAL AND REQUEST APPEARANCE AT NEXT COUNCIL MEETING TO PROVIDE EXPLANATION

Motion by Robertson, seconded by Lublin, CARRIED UNANIMOUSLY: To instruct management to send letter to Duncan Disposal and request appearance at next council meeting to provide explanation.

2. Regarding opposition to the Maher project at 861 N. Pontiac Trail

Mayor Pro Tem Ambrose said correspondence was provided in the packet and it has been received and noted.

ATTORNEY'S REPORT:

- 1. Executive Session to discuss pending litigation settlement proposal**
- 2. Executive Session to discuss pending labor dispute and personnel issue**
- 3. Executive Session to discuss legal issues with parking agreement**

**CM 05-09-16 APPROVE REQUEST TO ENTER INTO EXECUTIVE SESSION
TO DISCUSS ALL THREE ITEMS UNDER ATTORNEY'S
REPORT**

Motion by Lublin, seconded by Loch, MOTION CARRIED: To enter into executive session to discuss all three items under Attorney's Report.

Roll Call Vote:

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

(6-0) MOTION CARRIED

UNFINISHED BUSINESS:

- 1. Second Reading C-324-16 Consumer's Energy Franchise Agreement**

Item was tabled until June meeting.

NEW BUSINESS:

- 2. Proposed Resolution 2016-18 West Nile Virus Reimbursement Program**

Assistant City Manager Rodgers said the City qualifies for reimbursement for the Oakland County West Nile Virus program after required training is fulfilled. She said this year there is \$1,555.12 to purchase items for the catch basins.

**CM 05-10-16 APPROVE RESOLUTION 2016-18 WEST NILE VIRUS
REIMBURSEMENT PROGRAM**

Motion by Robertson, seconded by Helke, CARRIED UNANIMOUSLY: To approve Resolution 2016-18 West Nile Virus Reimbursement Program.

- 3. First Reading C-325-16 Zoning Map Ordinance Amendment**

Assistant City Manager Rodgers said this item went to Planning Commission in April of 2016 she explained the City has received an interest in redeveloping the commercial area of Pontiac Trail between Maple Road and Walled Lake Drive. She said the amendment will bring the structures into compliance and be more consistent with the development pattern of this area.

**CM 05-11-16 APPROVE FIRST READING OF C-325-16 ZONING MAP
ORDINANCE AMENDMENT**

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve First Reading of C-325-16 Zoning Map Ordinance Amendment.

AUDIENCE PARTICIPATION:

Dennis Burks – 206 Spring Park - asked who owns the old railroad tracks. Council Member Owsinek said it is proposed to become a Walled Lake, Wixom, Commerce Township walking trail. He said it is being purchased with Michigan Department of Transportation (MDOT) and Michigan Department of Natural Resources (MDNR) funds. He said the final purchase should be this month. Mr. Burks asked the status of the Banks Dolbeer Historical Home. Council Member Robertson said three council member volunteers did a lot of work on the inside but the outside is deteriorating badly.

COUNCIL COMMENTS:

Council Member Lublin said the tree located in front of the library used for the annual tree lighting ceremony blocks the library completely on that side. He is asking what Councils thoughts are to remove the tree, if it could be cut down and plant a new tree in a different location so it does not block the library.

**CM 05-12-16 MOTION TO APPROVE CITY ADMINISTRATION TO
REFOREST THE TREE IN FRONT OF THE LIBRARY AND
REPLANT A NEW TREE IN A DIFFERENT LOCATION SO IT
DOES NOT BLOCK THE LIBRARY**

Motion by Lublin, seconded by Owsinek, MOTION CARRIED: To approve City Administration to reforest the tree in front of the library and replant a new tree in a different location so it does not block the library.

Roll Call Vote

Yes (4)	Owsinek, Loch, Lublin, Ambrose
No (2)	Robertson, Helke
Absent (1)	Ackley
Abstain (0)	

(4-2) MOTION CARRIED

Council Member Helke she appreciates the audience input.

Council Member Robertson agreed and said there are openings on some of the Boards and Commissions. He said he felt it was rewarding, you feel like you're in the loop and you feel like you can make a difference.

Council Member Loch thanked the audience for attending and invited everyone to the Memorial Day Parade. She said the Parks and Recreation Commission purchased their new signs promoting the concerts and they are very nice. She said the summer concerts will now be hosted at Hiram Sims Park.

Mayor Pro Tem Ambrose said the Memorial Day Parade was voted the number two small town parade not that long ago. He said it is a great time and it is televised on Comcast.

Council recessed 8:47 p.m.

Council entered into executive session at 9:02 p.m.

Council rose from executive session at 10:01 p.m.

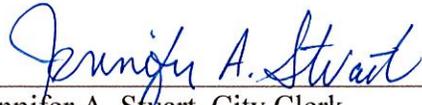
**CM 05-13-16 MOTION TO FOLLOW CITY ATTORNEY'S
RECOMMENDATION IN EXECUTIVE SESSION TO GRANT
CITY MANAGER SETTLEMENT AUTHORITY**

Motion by Robertson, seconded by Loch, CARRIED UNANIMOUSLY: To follow City Attorney's recommendation in executive session to grant City Manager settlement authority.

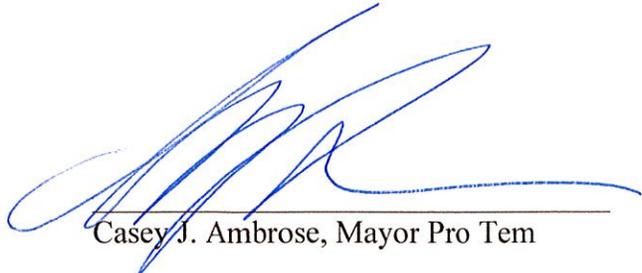
**CM 05-14-16 MOTION TO APPROVE DEPARTMENT/ DIVISION HEAD
CONTRACT FOR FIRE CHIEF JAMES COOMER RESOLUTION
2016-19**

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Department / Division Head Contract for Fire Chief James Coomer Resolution 2016-19.

Meeting adjourned at 10:03 p.m.



Jennifer A. Stewart, City Clerk



Casey J. Ambrose, Mayor Pro Tem