



**CITY OF WALLED LAKE  
REGULAR COUNCIL MEETING  
(ELECTRONIC MEETING PLATFORM)  
TUESDAY, OCTOBER 20, 2020  
7:30 P.M.**

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

**ROLL CALL:** Mayor Ackley, Mayor Pro Tem Ambrose, Council Member Costanzo, Council Member Lublin, Council Member Owsinek, Council Member Woods

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

**REQUESTS FOR AGENDA CHANGES:**

Council Member Costanzo requested to change agenda to move audience participation prior to council Decisions. Motion died for lack of support.

Council Member Costanzo moved to add another audience participation to be heard before approval of the minutes. Motion died for lack of support.

**APPROVAL OF MINUTES:**

**1. Regular Council Meeting September 15, 2020**

**CM 10-1-20 MOTION TO APPROVE REGULAR COUNCIL MEETING  
MINUTES OF SEPTEMBER 15, 2020 WITH  
CORRECTIONS**

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve regular council meeting minutes of September 15, 2020.

**Roll Call Vote**

Ayes (7) Ambrose, Costanzo, Loch, Lublin, Owsinek, Woods, Ackley  
Nays (0)  
Absent (0)  
Abstain (0)

**COUNCIL REPORT:**

Council Member Lublin said he attended the recent library board meeting and wanted to remind everyone the doors are open for business. He explained the hours of operation

with a time limit on computer use to half an hour to ensure safe practices. Council Member Lublin explained the board has been passing out activity packets to the children and patrons of the Farmer's Market. He said the usage is up to 45% and growing. Council Member Lublin explained he spoke with realtor Randy Thomas about the vacant property where the old high school used to be and was told by Mr. Thomas that they are waiting until after the holidays to go full force with promotion of the lot.

**CITY MANAGER'S REPORT:**

**1. Departmental / Divisional Statistical Reports**

- a. **Police**
- b. **Fire**
- c. **Finance**
  - Warrant
  - Investment Report September 2020
- d. **Code Enforcement**

**CM 10-2-20 TO RECEIVE AND FILE THE DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS**

Motion by Loch, seconded by Woods **UNANIMOUSLY CARRIED:** To receive and file the departmental / divisional statistical reports.

**Roll Call Vote**

Ayes (7) Costanzo, Loch, Lublin, Owsinek, Woods, Ambrose, Ackley  
Nays (0)  
Absent (0)  
Abstain (0)

**CORRESPONDENCE:** None

**ATTORNEY'S REPORT:**

City Attorney Vanerian explained that recently there was court action that invalidated the Governor's orders issued from her office. City Attorney Vanerian explained following a supreme court ruling, the legislature adopted new legislation which was signed into law by the governor on Friday that pertains to the Open Meetings Act and continuation of holding electronic meetings. City Attorney Vanerian explained based on new legislation, the city will be able to continue to hold electronic meetings likely through the end of next year. He explained there are several stipulations and requirements to be met for the local bodies of government to host electronic meetings. City Attorney Vanerian explained multiple options such as the bodies themselves, the city council convening in person, while the public attend electronically. City Attorney Vanerian said there are several legal uncertainties in the weeks to come and legal guidance will be forth coming. City

Attorney Vanerian said he can say it appears council can continue to host electronic meetings explaining there will be requirements that have to be met. City Attorney Vanerian explained those questions and requirements should be answered soon. City Attorney Vanerian recommended council authorize the City Manager to declare a local state of emergency for a period not to exceed sixty days.

Mayor Ackley said part of her report tonight was going to be a request to council, since cancelling the December meeting, and until council is provided more information and clarification, plus with the recent rise on COVID cases, a request to council to also cancel the November meeting.

City Attorney Vanerian explained that would solve and avoid any uncertainties.

Mayor Ackley said it would take a motion of council.

**CM 10-3-20 MOTION TO CANCEL THE NOVEMBER 9<sup>TH</sup> MEETING  
AND DECEMBER 1<sup>ST</sup> MEETING**

Motion by Owsinek, seconded by Ambrose, CARRIED: To cancel the November 9, 2020 council meeting and December 1, 2020 council meeting.

Discussion

City Manager Whitt explained two council members, the mayor or the city manager may request a meeting if necessary.

Council Member Costanzo said he personally wants to keep to the people's business and not conducting business for the next two months is not acceptable to him.

Roll Call Vote

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

City Manager Whitt said he agrees with the City Attorney Vanerian to have a continuation of the City's State of Emergency should the city have to conduct business they may do so electronically.

**CM 10-4-20 MOTION TO EXTEND THE CALL FOR STATE OF  
EMERGENCY FOR THE CITY OF WALLED LAKE FOR  
AN ADDITIONAL SIXTY DAYS**

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To extend the call for State of Emergency for the City of Walled Lake for an additional sixty days.

Roll Call Vote

Ayes (7) Lublin, Loch, Owsinek, Woods, Ambrose, Costanzo, Ackley  
Nays (0)  
Absent (0)  
Abstain (0)

**UNFINISHED BUSINESS:**

**1. Second Reading C-354-20 Amendment to Chapter 51, Article 21, Section 21.49 Residential Design Standards**

City Attorney Vanerian explained this was before council for second reading, but council tabled and was referred back to Planning Commission for further review. He explained this month meeting was cancelled; it has not been discussed before the Planning Commission as requested. He explained council can still move forward.

Mayor Ackley asked if the Planning and Zoning Board meetings need to be rescheduled until January.

City Attorney Vanerian explained the more prudent course of action would be to postpone those meetings.

Mayor Ackley asked if council has the legal authority to do this.

City Attorney Vanerian said yes, it may be prudent to do it.

Council Member Owsinek said to lay over the Planning Commission meetings until January as the commission meets before council.

**CM 10-5-20 MOTION TO TABLE SECOND READING C-354-20 AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", OF THE CITY OF WALLED LAKE ZONING ORDINANCE, TO AMEND ARTICLE 2.00, SECTION 2.02 "DEFINITIONS", AND ADOPTING A NEW SECTION 21.52 "RESIDENTIAL DESIGN STANDARDS**

Motion by Owsinek, seconded by Costanzo, UNANIMOUSLY CARRIED: To table second reading C-354-20 an ordinance to amend Chapter 51, "Zoning", of Title V, "Zoning and Planning", of the City of Walled Lake Zoning Ordinance, to

amend Article 2.00, Section 2.02 "Definitions", and adopting a new Section 21.52 "Residential Design Standards.

Roll Call Vote

Ayes (7) Owsinek, Woods, Ambrose, Costanzo, Loch, Lublin, Ackley  
Nays (0)  
Absent (0)  
Abstain (0)

2. **Second Reading C-355-20 Amendment to Chapter 70 Adopting Article V Parking on City Right of Way and City Property**

CM 10-6-20 **MOTION TO APPROVE SECOND READING C-355-20 AN ORDINANCE TO AMEND CHAPTER 70, "STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY", BY ADOPTING A NEW ARTICLE V, ESTABLISHING "PARKING ON CITY PROPERTY" OF THE CITY OF WALLED LAKE CODE OF ORDINANCES; AUTHORIZING THE ADMINISTRATION OF THE CITY MANAGER TO ENFORCE PARKING ON MUNICIPAL PROPERTY**

Motion by Lublin, seconded by Loch, CARRIED: To approve second reading C-355-20 an ordinance to amend Chapter 70, "Streets, sidewalks and other public property", by adopting a new Article V, establishing "Parking on City Property" of the City of Walled Lake Code of Ordinances; authorizing the administration of the City Manager to enforce parking on municipal property.

Discussion

Council Member Costanzo said this ordinance conflicts with the trailhead. He said the city has a trailhead and they could possibly receive a ticket while parked in the parking lot. Costanzo opined that the ordinance is counterproductive as well as the Walled Lake City campus expansion and memorial. Costanzo opined that the city parks are exempt the MI Airline trailhead is a linear park, and it should be exempted as well as any other park.

City Attorney Vanerian said he does not think it would be a violation of this ordinance. Attorney Vanerian explained to Council Member Costanzo that if somebody uses the parking lot and uses the trail it would not be prohibited under this ordinance. He said as long as the parking in the trail parking lot is for the purpose of the trail there is no violation.

Council Member Costanzo explained that he did not know where it states that in the ordinance.

City Attorney Vanerian again explained to Council Member Costanzo that the ordinance states if the parking lot is being used for what it is intended, that is not a violation of the ordinance and if someone uses the city parking lot to come in a pay a utility bill that is not a violation.

Council Member Costanzo asked how an officer would know if they were there for use of the trail. Costanzo asked if the officer did not witness them taking the bike off their car how would they know.

City Attorney Vanerian explained again that if an officer is aware someone is parking in the lot for other uses than the trail, that officer can issue a ticket and if there is no evidence of a violation then there would not be a ticket issued.

Council Member Costanzo moved to strike the language the *Michigan Airline Trail* language under section 70.221 from this ordinance. Motion dies for lack of support.

#### Roll Call Vote

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

### **3. Second Reading C-356-20 Amendment to Chapter 51, Article 17.00, Section 17.02 Front setbacks**

Mayor Ackley explained this the ordinance from prior meeting

**CM 10-7-20 TO APPROVE SECOND READING OF C-356-20 AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE ZONING ORDINANCE, TO AMEND ARTICLE 17.00 "SCHEDULE OF REGULATIONS", SECTION 17.02 "NOTES TO SCHEDULE OF REGULATIONS" BY AMENDING THE FRONT YARD SETBACK REQUIREMENTS IN SINGLE FAMILY ZONING DISTRICTS AS PROVIDED BY THIS ORDINANCE**

Motion by Lublin, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve second reading of C-356-20 an ordinance to amend Chapter 51, "Zoning", of Title V, "Zoning and Planning", the City of Walled Lake Zoning Ordinance, to amend Article 17.00 "Schedule of Regulations", Section 17.02

“Notes to Schedule of Regulations” by amending the front yard setback requirements in single family zoning districts as provided by this ordinance.

#### Discussion

Mayor Pro Tem Ambrose said he walked the area and spoke with the residents of the area and the ordinance has their support.

#### Roll Call Vote

Ayes (7)      Ambrose, Costanzo, Loch, Lublin, Owsinek, Woods, Ackley  
Nays (0)  
Absent (0)  
Abstain (0)

#### **NEW BUSINESS:**

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

Mayor Ackley said she has issues with this ordinance she said this ordinance is not going to do what council wants it to do. Mayor Ackley said this ordinance is not going to stop people from growing in their backyard. Mayor Ackley said if people want to grow get the appropriate licenses. Mayor Ackley opined this ordinance is going to cause numerous problems down the road.

Council Member Lublin said he disagrees. Council Member Lublin said between the first and second reading, council can request changes and refer to City Attorney Vanerian to review. Council Member Lublin said he had neighbors who had a home grower next to theirs and it is obnoxious.

City Attorney Vanerian explained the scope of this ordinance is limited to caregivers. Attorney Vanerian said caregivers are different than patients themselves. Attorney Vanerian said a caregiver is someone who is growing for patients. Attorney Vanerian said caregivers are allowed a number of plants for each patient. Attorney Vanerian explained this ordinance does not prohibit a marijuana patient themselves from growing in their own home for their own use. Attorney Vanerian said this ordinance would not keep people from growing for personal use it would prohibit a caregiver from growing for someone other than their patient and limit them to the industrial zoning district. Attorney Vanerian said there were situations for caregivers who buying homes and using those homes strictly as a grow site for their patients. This ordinance would put a stop to this.

Mayor Ackley asked where in the ordinance does it say not allowing any place else to grow. Mayor Ackley said if you have somebody in their home growing for themselves, and they are a caregiver they can grow 72 plants. Mayor Ackley explained if you grow in

your home, your neighbor smells it with 12 plants or 72 plants. Mayor Ackley asked what authority the city has to inspect homes to ensure it is for personal use.

City Attorney Vanerian explained that this would have to be done on a case-by-case basis, establishing probable cause, not just that marijuana would be grown but a caregiver was operating a grow site. City Attorney Vanerian said there would have to be evidence of something more.

Mayor Ackley asked if the council could stop them growing in their homes, why haven't we done so. Mayor Ackley said if council can stop from growing in homes, why do we have to open up the industrial area when we already have industrial approval for grow establishments with state and city operating license.

City Attorney Vanerian said if council did not adopt this ordinance, it means the outcome would be the caregiver could be in office, industrial, and residential zoning districts. Attorney Vanerian said with this ordinance, if you want to operate a caregiver facility you are limited to industrial zoning district.

Mayor Ackley asked if council could adopt an ordinance that you cannot have any caregiver facility in the city.

City Attorney Vanerian said no and explained the supreme court said the local communities, if they want to can in fact regulate at the local level as long as they do not prohibit them entirely. Attorney Vanerian said council can regulate which includes to what zoning districts.

Council Member Costanzo opined the ordinance forces the caregiver into industrial district and they cannot operate in residential areas.

Mayor Ackley said she will do some more research.

City Attorney Vanerian said council can regulate it locally or council can decide not to have an ordinance at all.

**CM 10-8-20 TO APPROVE FIRST READING C-357-20 AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE ZONING ORDINANCE, TO AMEND ARTICLE 14.00 "I-1 LIMITED INDUSTRIAL DISTRICT", SECTION 14.02 "PERMITTED PRINCIPLE USES" AND ARTICLE 21.00 "GENERAL PROVISIONS", SECTION 21.50 "MARIJUANA FACILITIES" TO ADOPT REGULATIONS FOR MEDICAL MARIJUANA CAREGIVER FACILITIES AND USES**



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

Roll Call Vote

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

**2. Proposed Resolution 2020-33 Drain Special Assessments 2020 Winter Tax Bill**

**CM 10-9-20 TO APPROVE RESOLUTION 2020-33 A RESOLUTION APPROVING THE 2020 SPECIAL ASSESSMENTS FOR REPAIR AND MAINTENANCE OF THE GREENAWAY DRAIN, LEON DRAIN, AND TAYLOR-LADD DRAIN TO BE REPLACED ON THE DECEMBER 2020 TAX ROLL**

Motion by Ambrose, seconded by Loch, CARRIED: To approve resolution 2020-33 a resolution approving the 2020 special assessments for repair and maintenance of the Greenaway Drain, Leon Drain, and Taylor-Ladd Drain to be replaced on the December 2020 tax roll.

Roll Call Vote

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

**3. Proposed Resolution 2020-34 Opportunity for Taxpayer Assessment Objection to be provided in writing to Board of Appeals**

**CM 10-10-20 TO APPROVE RESOLUTION 2020-34 A RESOLUTION OF THE CITY OF WALLED LAKE TO ALLOW TAXPAYERS TO PROTEST THEIR PROPERTY ASSESSMENT IN WRITING TO THE BOARD OF REVIEW**

Motion by Owsinek, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve resolution 2020-34 a resolution of the City of Walled Lake to allow taxpayers to protest their property assessment in writing to the Board of Review.

Roll Call Vote

Ayes (7) Lublin, Owsinek, Woods, Ambrose, Costanzo, Loch, Ackley  
Nays (0)  
Absent (0)  
Abstain (0)

**4. Proposed Resolution 2020-35 Oakland County IT Agreement Renewal**

**CM 10-11-20 TO APPROVE RESOLUTION 2020-35 A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF OAKLAND AND THE CITY OF WALLED LAKE TO PROVIDE INFORMATION TECHNOLOGY SERVICES TO THE CITY OF WALLED LAKE PUBLIC SAFETY DEPARTMENT AND CITY ADMINISTRATION**

Motion by Woods, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2020-35 a resolution to approve an interlocal agreement between the County of Oakland and the City of Walled Lake to provide information technology services to the City of Walled Lake Public Safety Department and City Administration.

Roll Call Vote

Ayes (7) Owsinek, Woods, Ambrose, Costanzo, Loch, Lublin, Ackley  
Nays (0)  
Absent (0)  
Abstain (0)

**COUNCIL COMMENTS:**

Council Member Costanzo said he wanted to thank the residents of Walled Lake. Council Member Costanzo said he has taken his oath seriously. Council Member Costanzo explained his goal was to be who he was elected to be.

Council Member Loch said she thanked the city staff who is there every day keeping everyone safe and have a safe holiday season.

Council Member Lublin said it is important for everyone to vote.

Council Member Owsinek said he wanted to wish everyone and city taxpayers to have a nice holiday season.

Council Member Woods said the Commerce Township Historical Society held a rummage sale; the money raised helps support the Stonecrest building downtown. Council Member Woods said he attended the Walled Lake Civic Fund meeting, the fire work dates discussed were June 19, 2021, June 25, 2022, and June 24, 2023. Council Member Woods said with respect to the upcoming charter amendment, do your homework, the audited financial statements are available, at least last eight years are available for review.

Mayor Pro Tem Ambrose wished everyone a safe holiday. Mayor Pro Tem Ambrose said he has been approached about signage for term limits. He said there is a contractual obligation that will be over a million dollars cost to the city. Mayor Pro Tem Ambrose said council enacted an ordinance for three medical provisioning centers and when recreational came about, the council moved to permit to only those same three who were already approved as a provisioning center to keep the number to three. Mayor Pro Tem Ambrose said to look where the signs are posted and draw your own conclusions.

#### **MAYOR'S REPORT:**

Mayor Ackley said we would receive the city audit report which is required to be submitted to the state. Mayor Ackley asked council to approve the submittal to the state to meet the deadline and have the auditors come before the council in January. Mayor Ackley asked for council support for submittal.

City Manager Whitt said there is a resolution prepared to submit the audit. City Manager Whitt said the independent audit is completed.

**CM 10-12-20 PROPOSED RESOLUTION 2020-36 RESOLUTION TO  
DIRECT AND AUTHORIZE THE INDEPENDENT  
AUDITORS TO FILE TIMELY THE 2020 YEAR-END  
FINANCIAL STATEMENTS WITH THE STATE**

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve resolution 2020-36 a resolution to direct and authorize the independent auditors to file timely the 2020 year-end financial statements with the State.

#### Roll Call Vote

Ayes (7) Woods, Ambrose, Costanzo, Loch, Lublin, Owsinek, Ackley  
Nays (0)  
Absent (0)  
Abstain (0)

Mayor Ackley said business owners, police and fire department have worked to put forth the Trunk or Treat scheduled for October 31<sup>st</sup>. Mayor Ackley said business owner Mr. Millen has worked to obtain a donut truck, ice shaving machine, and petting zoo. Mayor Ackley wished everyone a happy and safe holiday. Mayor Ackley said she also encourages everyone to get out and vote. Mayor Ackley said to think about how many people it will take to replace just one person. She said thank you to the city clerk and staff for the pre-voting season and good luck on election day.

**AUDIENCE PARTICIPATION:**

Mindy Fernandes, 45400 W. Pontiac Trail – said she works for State Representative Kathy Crawford and her office is offering aid to the City Manager and City Attorney in regard to the new legislation regarding the Open Meeting Act changes with electronic meetings. Mrs. Fernandes explained October 24<sup>th</sup> is National Take Back Drug Day with the local agencies and Walled Lake Police Department are available between 10am and 2pm to take back discarded drugs.

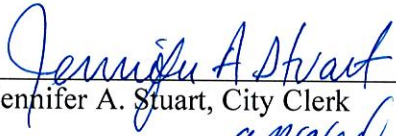
Gerald Millen, 103 E Walled Lake Drive – said he wanted to remind everyone of the Mayor Ackley's Truck or Treat Saturday October 31, 2020. Mr. Millen said thank you to Walled Lake, the Lakes Area Chamber of Commerce for the several safety kits with hand sanitizers, masks, etc. they provided for the event. Mr. Millen said he wished Council Member Costanzo best of luck in his new home in Port Huron. Mr. Millen said Council Member Costanzo admitted under oath that he is friends with people who have Personal Protection Orders against them for stalking and placing fake 911 calls. Mr. Millen said Council Member Costanzo admitted while under oath that he also had placed a fake 911 call a few years ago which is punishable offense under law.

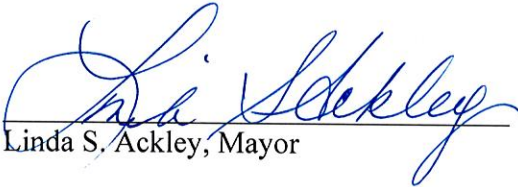
Neal Wolfson, Winwood – said the charter amendment is not just about how much more this will cost the city to replace the city manager but also, this city council, this mayor, this city manager, and city staff has saved over the years a lot of money and avoided bankruptcy. Mr. Wolfson said city council is working together to keep moving this city forward.

Mayor Ackley said thank you to Council Member Loch and post office personnel for their services with the post office keeping the mail going during this time with COVID. Mayor Ackley also thanked city staff, police, and fire.

**ADJOURNMENT**

Meeting adjourned at 9:35 p.m.

  
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Jennifer A. Stuart, City Clerk  
*approved*  
*1-19-21*

  
\_\_\_\_\_  
Linda S. Ackley, Mayor