



**CITY OF WALLED LAKE  
REGULAR COUNCIL MEETING  
TUESDAY, OCTOBER 18, 2016  
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 Ambrose.

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

**ABSENT:** None

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

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

**REQUESTS FOR AGENDA CHANGES:**

Mayor Ackley said there was a memorandum for assignment of the waste disposal contract and placed under City Attorney's Report as item #3 for an executive session. She also requested to add an executive session under Mayor's Report Resolution 2016-31 concerning a complaint against a sitting council member.

City Attorney Vanerian said Unfinished Business item #1 does require a public hearing before the Planning Commission and that has not occurred yet he requested it be removed from tonight's agenda.

**APPROVAL OF THE MINUTES:**

**1. Regular Council Meeting of September 20, 2016**

**CM 10-01-16 APPROVAL OF THE SEPTEMBER 20, 2016 REGULAR COUNCIL MINUTES**

Motion by Lublin, seconded by Robertson, CARRIED UNANIMOUSLY: To approve the September 20, 2016 Regular Council Minutes.

## AUDIENCE PARTICIPATION:

Rules for Audience Participation read into record by City Clerk Stuart.

Dr. Steven Burns, Veterinarian – property owner of 1501 E. West Maple Road, commonly known as Walled Lake Veterinary Hospital, appeared to request vehicle access to 1507 E. West Maple Road from the City's property. Dr. Burns said his business' access had been blocked by a curb when the redesign of the Public Safety Campus parking lot occurred. Dr. Burns explained that he and C.F. Long & Sons, Inc., the cement company had been using an easement. Dr. Burns provided the City Council with a letter from John D. Long, Vice President of C.F. Long & Sons, Inc., and a copy of the original "SITE PLAN" for the Walled Lake Veterinary Hospital located at 1501. E. West Maple Road approved by the Walled Lake Planning Commission in 1984. Mayor Ackley said Council will receive these documents and they will be reviewed by the city attorney and city administration.

Dr. Burns asked what the time frame would be before he hear back. Dr. Burns said he has had little communication back from the people he has reached out to at the City. Dr. Burns said that driveway has been used by Dr. Roberts for 48 years and it has been the primary access to the "barn" which is a separate entity from 1501 E. West Maple. Dr. Burns asked for Council's consideration because it negatively impacts his business. Dr. Burns stated that the barn is a business. Dr. Burns claims that the Veterinary Hospital and barn are not the same piece of property. Dr. Burns said the barn is a separate business.

Mayor Ackley explained that a lot of things have to be reviewed. Dr. Burns said that has been discounted. Dr. Burns said he approached City Staff member, Ms. Coogan this summer when construction was being done on Maple Road and was told the existing access was not a primary entrance. Dr. Burns said he didn't push it because he had main access he had no idea he would be losing the main vehicle entrance to his property at 1507 E. West Maple. Dr. Burns said the Spinal Column printed a picture that shows his driveway, his easement in public printed paperwork. Dr. Burns said the City recognizes the driveway exists. Dr. Burns said there are prints from 1983 showing the driveway and verbal communications from Dr. Roberts and the Long's that this access has been used for over 48 years.

Mayor Ackley explained it will be reviewed by City staff and they will get back with him. Dr. Burns asked again for a time frame as it is affecting his business. City Manager Whitt explained that Dr. Burns' property has three access points. Mr. Whitt clarified with Dr. Burns that there are two separate parcels involved but Dr. Burns has owned both since 2001. Dr. Burns agreed and said yes but that he rents out the barn.

City Manager Whitt explained the three access point locations; one along Maple Road, another original access off of Maple Road, and the access through Long's property on the opposite side of Dr. Burn's property. Mr. Whitt said the gravel strip that Dr. Burns calls a right of way is not a right of way it is gravel path only on the Long property and has been for many years. Mr. Whitt said the City does not have plans that show an easement as Dr. Burns had suggested. Mr. Whitt said there is no easement there. Mr. Whitt said the property in question belongs to the Long's and Dr. Burns seems to be seeking adverse possession of property. Mr. Whitt said if Mr. Long

supports it and gives property to Dr. Burns that is Mr. Long's choice. Mr. Whitt said Dr. Burns has three access points and it was his choice not to use those three access points. Mr. Whitt said the City was not aware of Dr. Burns had another business in the barn.

Dr. Burns disagreed saying that Long's has been generous enough and allowed him access through their property and that access could stop at any time. Mr. Whitt explained it is the same with the gravel access; it has never been a right of way or easement from the city's property.

Dr. Burns said the access off Maple Road is only accessible by a small car.

Mr. Whitt explained that the business conducted in the barn needs to be clarified and the property in question is, and always been Long's property. Mr. Whitt also explained that the Long's do not have the right to give Dr. Burns right of way access using the City's parking lot to get to the Veterinary Hospital property. Mr. Whitt asked for Dr. Burns to provide information about any business in the barn. Mr. Whitt explained there was discussion with Dr. Burns about improving the front of one of the parcels along Maple Road but the County would not recognize it for improvement.

Mayor Ackley said this will be turned over to staff for review. City Manager Whitt said there needs to be clarification provided about the business in the barn. Dr. Burns said veterinary services. Dr. Burns explained it is a separate entity from his veterinary clinic. He asked for City Administration to reach out to him so it does not negatively impact his businesses.

Daniel Schouman, 1060 E. West Maple Road said he represents Green House of Walled Lake, LLC located at 103 E. Walled Lake Drive and the owners are Gerald Millen and Matt Chicatti. He said in 2014 his clients wrote a check to the City of Walled Lake to obtain a dispensary license. He said they have put in over \$80,000 into the building. He said they have been waiting for over two years for approval. He said he understands there is new legislation that may affect the current ordinance. He said his clients go back to November of 2014 and he is asking for his clients to gain approval prior to any amendments. He said their approval should be prior to any moratorium the Council decides on.

Dennis Burks, 206 Spring Park – provided his own interpretation of Michigan Complied Laws and explained his own definition of what a quorum is. He spoke for three minutes.

#### **COUNCIL CONSIDERATION:**

##### **1. Oath of Office administered to Police Officer Edwar Talia**

City Clerk Stuart provided the ceremonial Oath of Office.

##### **2. Fire Fighter badge presentations and Oaths of Office administered to Greg Eberlein and Jeff Jarrell**

City Clerk Stuart provided ceremonial Oath's of Office and Fire Chief Coomer presented them with their badges.

## **MAYOR'S REPORT**

### **1. Resignation letter from Downtown Development Authority Board (DDA) Member Daryl Ramsey**

Mayor Ackley asked that a letter thanking Mrs. Ramsey for her services to the Board be sent from Council and the DDA.

#### **CM 10-02-16 TO ACKNOWLEDGE AND ACCEPT LETTER OF RESIGNATION FROM DDA BOARD MEMBER RAMSEY**

Motion by Lublin, seconded by Ambrose, CARRIED UNANIMOUSLY: To acknowledge and accept letter of resignation from DDA Board Member Ramsey.

### **2. Mayor's nomination to fill vacancy on the DDA Board**

Mayor Ackley announced the nomination of Jason Easter to the DDA Board and presented Council with a resolution to accept his nomination.

### **3. Proposed Resolution 2016-39 Accepting the Mayor's nomination to fill the vacancy on the DDA Board**

#### **CM 10-03-16 APPROVE RESOLUTION 2016-39 ACCEPTING THE MAYOR'S NOMINATION AND APPOINTING JASON EASTER TO FILL THE VACANCY ON THE DDA BOARD**

Motion by Ambrose, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2016-39 accepting the Mayor's nomination and appointing Jason Easter to fill the vacancy on the DDA Board.

### **4. Western Oakland County Cable Communication (WOCCCA)**

Mayor Ackley informed Council of the next WOCCCA board meeting scheduled on October 19, 2016.

### **5. Executive Session to discuss Resolution 2016-31**

#### **CM 10-04-16 APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS RESOLUTION 2016-31**

Motion by Robertson, seconded Loch, CARRIED UNANIMOUSLY: To enter into executive session to discuss resolution 2016-31.

Roll Call Vote:

Yes: (7)      Ambrose, Helke, Loch, Lublin, Owsinek, Robertson, Ackley  
No: (0)  
Absent: (0)  
Abstain: (0)

(7-0) CARRIED UNANIMOUSLY

**COUNCIL REPORT:**      None

**CITY MANAGER'S REPORT:**

**1. Departmental / Divisional Statistical Reports**

- a. Police
- b. Fire
- c. Code Enforcement
- d. Finance – Warrant Report #10-2016

**CM 10-05-16      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.

**CORRESPONDENCE:**      None

**ATTORNEY'S REPORT**

- 1. Executive Session to discuss status report on ITC v City of Walled Lake et al  
OCCC Case No. 16-154784-CC**

**CM 10-06-16      APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS  
STATUS REPORT ON ITC V CITY OF WALLED LAKE ET AL  
OCCC CASE NO. 16-154784-CC**

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To enter into executive session to discuss status report on ITC v City of Walled Lake et al OCCC Case No. 16-154784-CC.

Roll Call Vote:

Yes: (7) Helke, Loch, Lublin, Owsinek, Robertson, Ambrose, Ackley  
No: (0)  
Absent: (0)  
Abstain: (0)

(7-0) CARRIED UNANIMOUSLY

**2. Executive Session to discuss Attorney Client Communications –  
Legislation on Medical Marijuana**

**CM 10-07-16 APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS  
ATTORNEY CLIENT COMMUNICATIONS – LEGISLATION ON  
MEDICAL MARIJUANA**

Motion by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY: To enter into executive session to discuss Attorney Client Communications – Legislation on Medical Marijuana.

Roll Call Vote:

Yes: (7) Loch, Lublin, Owsinek, Robertson, Ambrose, Helke, Ackley  
No: (0)  
Absent: (0)  
Abstain: (0)

(7-0) CARRIED UNANIMOUSLY

**3. Executive Session to discuss assignment of waste disposal contract services**

**CM 10-08-16 APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS  
ASSIGNMENT OF WASTE DISPOSAL CONTRACT SERVICES**

Roll Call Vote:

Yes: (7) Lublin, Owsinek, Robertson, Ambrose, Helke, Loch, Ackley  
No: (0)  
Absent: (0)  
Abstain: (0)

(7-0) CARRIED UNANIMOUSLY

**UNFINISHED BUSINESS:**

**1. Second Reading 327-16 Recovery Home Ordinance Amendment**

As requested by City Attorney this item will be removed agenda until public hearing before the Planning Commission.

**NEW BUSINESS:**

**1. Proposed Resolution 2016-40 Ratifying the Agreement with MAFF on behalf of the Walled Lake Paid on Call / Part Time Fire Fighters**

Police Chief Shakinis said this is the last of the collective bargaining unit agreements to be ratified. It contains a new Part-Time Fire Fighter section. The agreement also includes a larger area of residency requirement which expands the territory for recruiting.

**CM 10-09-16            APPROVE RESOLUTION 2016-40 RATIFYING THE AGREEMENT WITH MAFF ON BEHALF OF THE WALLED LAKE PAID ON CALL / PART TIME FIGHTERS FROM JULY 1, 2016 – JUNE 30, 2019**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2016-40 Ratifying the agreement with MAFF on behalf of the Walled Lake Paid on Call / Part Time Fire Fighters from July 1, 2016 - June 30, 2019.

**2. Proposed Resolution 2016-41 2016 Winter Special Assessments – Drains**

City Clerk Stuart said there is a letter dated September 8, 2016 that is attached to this resolution from the Oakland County Water Resource Commissioner regarding the emergency repair of the storm sewer pipe collapse beneath the Walled Lake Fire Department.

**CM 10-10-16            APPROVE RESOLUTION 2016-41 2016 WINTER SPECIAL ASSESSMENTS - DRAINS**

Motion by Loch, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2016-41 Winter Special Assessments – Drains.

**3. Public Safety Campus Agreement for Underground Wiring**

Finance Director Coogan explained there is an opportunity to repair the overhead electrical lines. The quote provided is under \$90,000 and the site is currently prepped for the underground installation of electrical lines. Work is scheduled to begin December 2016.

Council Member Loch asked for clarification that the quote to put everything underground is the same amount as it would be to relocate the electrical poles. Finance Director Coogan explained the cost provided will also include taking care of the old wiring and patch work problems in the city buildings.

Council Member Lublin asked if it will be done before the asphalt is laid. Finance Director Coogan said the underground conduit is already laid.

Council Member Helke asked if the \$90,000 is in addition to the \$700,000 already approved. Finance Director Coogan said yes it is an additional amount.

## **7. Proposed Resolution 2016-45 Engineering Design Standards**

Finance Director Coogan explained in efforts to streamline and improve the City's planning and development processes, engineering standards were created. The fee of \$2,000 was budgeted for the City engineer to develop these standards. They were reviewed by the City Attorney, Oakland County, and City Administration and were met with approval.

City Attorney Vanerian said there will be ordinance amendments to make to the other areas to mesh with these new standards. Council Member Lublin suggested placing language in the resolution that in the event there are any conflicting areas these standards now supersede any previous pieces of the ordinance.

### **CM 10-15-16            APPROVE RESOLUTION 2016-45 ENGINEERING DESIGN STANDARDS**

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2016-45 Engineering Design Standards.

## **8. First Reading C-328-16 Building Code Update Ordinance**

Finance Director Coogan explained this resolution updates current ordinances to reference new ordinances from the State and includes the new engineering standards.

### **CM 10-16-16            APPROVE FIRST READING C-328-16 BUILDING CODE UPDATE**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve first reading C-328-16 Building Code Update.

## **9. First Reading C-329-16 Driveway/Culvert Ordinance Amendment**

Finance Director Coogan explained this ordinance clarifies language regarding driveway and culverts not just for new construction but also existing driveways/culvert repair and maintenance.

### **CM 10-17-16            APPROVE FIRST READING C-329-16 DRIVEWAY/CULVERT ORDINANCE AMENDMENT**

Motion by Owsinek, seconded by Lublin, CARRIED UNANIMOUSLY: To approve first reading C-329-16 Driveway/Culvert Ordinance Amendment.

## **10. Capital Purchase of Water Meter Reading Equipment and Software**

Finance Director Coogan said price is not to exceed \$11,000 for the new meter reading equipment and software. There is a problem with parts obsolescence and the technicians are down to one meter reader.

Council Member Lublin asked if this quote was for two pieces. Finance Director Coogan said this is for two meter readers and a three year software agreement.

**CM 10-18-16            APPROVE CAPITAL PURCHASE OF WATER METER READING EQUIPMENT AND SOFTWARE NOT TO EXCEED \$11,000**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve capital purchase of water meter reading equipment and software not to exceed \$11,000.

**AUDIENCE PARTICIPATION:**

Gabriel Costanzo, 815 Bluffton – said he is following up with the application he made to become a board member on the DDA.

Mayor Ackley said she will review the Boards and Commission member status with City Clerk Stuart.

City Manager Whitt said Mr. Easter had contacted the Mayor several months ago. He said the Mayor makes the nominations to Boards and Commission.

Dennis Burks, 206 Spring Park – provided his further interpretation on the MCL law.

Kenneth Kolke, 179 Spring Park – asked if the homeowners were going to incur any cost for the updates.

Council recessed 8:40 p.m.

Council entered into executive session 8:49 p.m.

Council rose from executive session 9:09 p.m.

**CM 10-19-16            MOTION TO APPROVE RESOLUTION 2016-46 ADOPTING A MORATORIUM FOR THE ISSUANCE OR RENEWAL OF MEDICAL MARIJUANA DISPENSARY LICENSES WITH THE EXCEPTION OF CURRENT COMPLETED APPLICATION WAITING FOR APPROVAL AND TO AUTHORIZE THE CITY ATTORNEY TO PREPARE THE APPROPRIATE ORDINANCE AMENDMENTS TO REFLECT CHANGES IN THE STATE LAW**

Motion by Lublin, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2016-46 adopting a moratorium for the issuance or renewal of medical marijuana dispensary licenses with the exception of current completed application waiting for approval and to authorize the City Attorney to prepare the appropriate ordinance amendments to reflect changes in the state law.

**CM 10-20-16            MOTION TO AUTHORIZE THE CITY ATTORNEY TO  
EXECUTE THE CONSENT JUDGMENT FOR THE CASE ITC V  
CITY OF WALLED LAKE IN ALL CIVIL ACTION CASE  
NUMBER 16-154784-CC PENDING IN THE OAKLAND COUNTY  
CIRCUIT COURT**

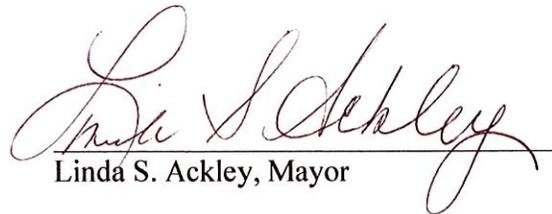
Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To authorize the City Attorney to execute the consent judgment for the case ITC v City of Walled Lake in all civil action Case No. 16-154784-CC pending in the Oakland County circuit court.

**CM 10-21-16            MOTION TO APPROVE RESOLUTION 2016-47 CONSENTING  
TO ASSIGNMENT OF DUNCAN DISPOSAL CONTRACT TO  
RIZZO ENVIRONMENTAL SERVICES, INC**

Motion by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2016-47 consenting to assignment of Duncan Disposal contract to Rizzo Environmental Service, Inc.

Meeting adjourned at 9:33 p.m.

  
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Jennifer A. Stuart, City Clerk

  
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Linda S. Ackley, Mayor