



CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
(ELECTRONIC MEETING PLATFORM)
TUESDAY, SEPTEMBER 15, 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.

CM 9-1-20 TO EXCUSE COUNCIL MEMBER LOCH FROM TONIGHT'S MEETING

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

REQUESTS FOR AGENDA CHANGES:

Council Member Costanzo requested to add under new business item #3, a discussion on the city Charter.

Council Member Costanzo moved to add audience participation to be heard before council conducts business. Motion died for lack of support.

Council Member Costanzo moved to add a second audience participation after approval of the minutes. Motion died for lack of support.

APPROVAL OF MINUTES:

1. Regular Council Meeting August 18, 2020

City Clerk Stuart explained that it was brought to her attention the minutes needed a correction on page 4 that included documenting the roll call vote and to correct the unanimous vote to a motion carried regarding the bridge installation on the public safety campus expansion and memorial.

Mayor Ackley explained she recalled the vote was a 5 to 1 vote with Councilman Costanzo opposing the bridge installation from the Walled Lake Trail to the public safety campus.

**CM 9-2-20 MOTION TO APPROVE REGULAR COUNCIL MEETING
MINUTES OF AUGUST 18, 2020 WITH CORRECTIONS**

Motion by Lublin, seconded by Woods, UNANIMOUSLY CARRIED: To approve regular council meeting minutes of August 18, 2020.

Roll Call Vote

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

2. Special Council Meeting August 19, 2020

**CM 9-3-20 MOTION TO APPROVE SPECIAL COUNCIL MEETING
MINUTES OF AUGUST 19, 2020**

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve special council meeting minutes of August 19, 2020.

Roll Call Vote

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

COUNCIL REPORT:

Mayor Pro Tem Ambrose reported the DDA held their monthly meeting on September 8th via Zoom. Mayor Pro Tem Ambrose explained the board discussed support of the City's Trunk or Treat with location at Riley Park, the same as last year. Mayor Pro Tem Ambrose explained there was a presentation of the survey for the historical E. Walled Lake Drive business district, addressing the rumors of many years that it was part private and part public. Mayor Pro Tem Ambrose explained that the survey did confirm there are areas that are private and public, and the board moved to have legal descriptions drafted by engineering stating the private property locations and public property locations.

Mayor Ackley reported the City's Trunk or Treat will be October 31, 2020 from 12 pm to 3 pm and as Mayor she will be assisting by reaching out to the local businesses and residents for support for the children.

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

- a. Police**
- b. Fire**
- c. Finance**
-Warrant
- d. Code Enforcement**

**CM 9-4-20 TO RECEIVE AND FILE THE DEPARTMENTAL /
DIVISIONAL STATISTICAL REPORTS**

Discussion

Council Member Costanzo said in the council packet on page 42, the report explained that a fire truck has had numerous ongoing mechanical issues and is in need of replacement. Council Member Costanzo opined that this was the reason why there was strong objections from the city council in being a part of the Trailway Management Council because the city needed to save money to replace the fire equipment. Council Member Costanzo opined that the city is no longer involved with the Trailway Management Council and he would rather see dollars spent on new fire equipment rather than the public safety campus upgrades which he referred to as the dirt field next to city hall.

Mayor Pro Tem Ambrose explained to Council Member Costanzo that this fire truck was purchased over 20 years ago for the sole purpose of being able to accommodate any type of situation that might occur with the development of Eagle Pond at the time, further explaining that at that time the truck cost was probably half a million dollars whereas today it is probably closer to a million dollars. Mayor Pro Tem Ambrose explained to Council Member Costanzo that the city has mutual aid agreements with neighboring communities for use of their vehicles if need be as opposed to having this apparatus for one or two buildings here and spending this amount of money.

Council Member Costanzo explained one of the objections of not being in the trailway project was the city needed a new fire truck. Council Member Costanzo said when he brought this up back then, it was discussed the city should not be dependent on neighboring communities for fire support services and we needed new equipment to be state of the art. Council Member Costanzo claimed that the city has done a 180 degree opposite turn now and the city is out of the Trailway Management Council and has saved a significant amount of money. Council Member Costanzo opined that it was time look at replacing this aging equipment for the community.

Mayor Ackley stated to Council Member Costanzo that he had misspoken about the city's reasons for leaving the Trailway Management Council. Mayor Ackley explained to Council Member Costanzo that when originally purchased, the fire truck was one of only

a few ladder trucks in the area, and it was purchased with donations by the original owners of Eagle Pond. Mayor Ackley explained to Council Member Costanzo that when council chose to leave the Trailway Management Council it was not because the city council did not want to depend on our neighbors it was because the city had fulfilled its obligation and the Walled Lake Trailway was completed. Mayor Ackley explained that the city can manage and maintain its portion of the trailway without the additional cost of the Trailway Management Council. Mayor Ackley opined that Council Member Costanzo's comments that the city left the Trailway Management Council to save money for fire equipment was intended to confuse the public.

City Manager Whitt explained to Council Member Costanzo that his comments were not consistent with the facts or history of the trail. City Manager Whitt said the city council exited the Trailway Management Council because the Trailway Management Council never ended up doing what it was expected to do for the city when the Trailway Management Council was created over ten years ago. City Manager Whitt said he was manager in the beginning of the Trailway Management Council. City Manager Whitt said city council left the Trailway Management Council because it was costly, and the people of Walled Lake voted against a Trailway millage. City Manager Whitt corrected Council Member Costanzo and explained that the city council's decision to leave the Trailway Management Council had nothing to do with fire equipment or the public safety expansion. City Manager Whitt said the city council exited the Trailway Management Council because it did not do what it promised to do. City Manager Whitt explained the phrase "game changer" that the trail was going to bring business downtown from the trail users began to get lost in discussions of spending money to put in purchasing water fountains, toilet facilities, etc. City Manager Whitt said the city exited the Trailway Management Council because it was costing the City of Walled Lake taxpayers too much money and residents voted against a Trailway millage. City Manager Whitt opined the city council exited the Trailway Management Council for completely different reasons than what was stated by Council Member Costanzo. City Manager Whitt explained that while fire trucks are costly to repair, the city administration has plans to replace equipment which has nothing to do with the Trailway Management Council.

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To receive and file the departmental / divisional statistical reports.

Roll Call Vote

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

CORRESPONDENCE: None

ATTORNEY'S REPORT:

1. Memo Status Update Regarding Initiatory Petition Lawsuit – Dena Potter vs. City of Walled Lake and Lisa Brown, Oakland County Clerk

City Attorney Vanerian explained Dena Potter filed a lawsuit on the city and Lisa Brown, Oakland County Clerk regarding two proposed charter amendments, she was seeking various remedies to these charter amendments. Attorney Vanerian explained one attempt was to strike the explanatory caption in regard to the city manager term limits. City Attorney Vanerian explained the other was regarding the city council term limits petition forcing it to be placed on the November 2020 ballot. City Attorney Vanerian said Ms. Potter pursued with her lawsuit even though none of the statutory reviews had been completed by the city clerk, Attorney General or Governor's offices. City Attorney Vanerian explained Ms. Potter was an unsuccessful council candidate during the last local election. He said the current city manager can be terminated any time by council. He said this was the first charter amendment sponsored by Ms. Potter filed back July 2019. City Attorney Vanerian explained it was a proposal to amend the charter to impose a ten-year retroactive term limit which was specifically to target the current city manager. He said this proposed charter amendment was reviewed by the Governor and Attorney General as statutorily required and both disapproved it, as it is illegal. City Attorney Vanerian explained the proposal tried to amend the city charter by illegal means. He said because the proposed charter amendment was by an initiatory petition, the proposal still has to go on the ballot. He explained the state cannot prohibit something to go on the ballot that the voters wish to go on the ballot. City Attorney Vanerian explained this proposed charter amendment will appear on the November 2020 ballot. He explained however just because something appears on the ballot, does not mean it is legal. City Attorney Vanerian explained it is subject to being validated by the courts. He said council adopted an explanatory caption to explain to the voters and to help further the understanding of the proposal. He explained the caption informs the voter of contractual obligations. City Attorney Vanerian said Ms. Potter does not want this truthful information presented to the voters as she filed a lawsuit and hired an attorney to prevent this caption from going on the ballot. He said the courts denied this case. City Attorney Vanerian said this explanatory caption will be on the November 2020 ballot. He said in regard to the second petition filed by the same group, a council term limit proposal, was filed on July 27, 2020 a day prior to deadline for petition submittal to local clerk. City Attorney Vanerian said there is an August 11, 2020 deadline for local clerks to forward ballot proposals to the county clerk. He explained the Attorney General and Governor had not reviewed it yet and under state law the clerk has 45 days to complete the required canvass of the petition. City Attorney Vanerian said the city clerk completed the canvass of petition in a timely manner and determined it did not have enough signatures and the petition form held numerous deficiencies. He explained Ms. Potter filed a lawsuit to force the clerk to complete the canvass in less than half the time that is statutorily required. City Attorney Vanerian said the court denied the motion and the court agreed with the city entirely. He said the statute provides for 45 days and the courts upheld the city's actions. He said Ms. Potter then filed a second appeal two days after the courts

motion requesting the court to reconsider its motion. City Attorney Vanerian said the court heard the case again, two days later September 3rd. He said after the court heard additional argument it reaffirmed its original ruling and denied the plaintiff's request. City Attorney Vanerian said the case at this point is resolved. He said it was filed August 19, 2020 and completed September 4, 2020. So, there were extremely aggressive briefings that had to be done and oral argument as well as preparations. City Attorney Vanerian explained the courts filed favorably to the city and the explanatory caption will appear in substance on the ballot and the court denied Ms. Potter's request to fast track the other charter amendment which essentially skipped over the required Attorney General and Governor review process.

City Attorney Vanerian provided a brief update on the Forestbrook PUD agreement. He said at last meeting, council had requested to begin the process of drafting their PUD agreement for Forestbrook. City Attorney Vanerian said the applicant is targeting construction June/July 2021. City Attorney Vanerian said the applicant will possibly have a lot split. He said the applicant is not ready for a draft agreement at this time.

Council Member Woods asked who the attorney was representing Dena Potter in her lawsuit against the city.

City Attorney Vanerian said it was Attorney Kelly who is the same attorney representing BDS and Mr. Steve Atwell in the lawsuit against the city regarding their denial of their provisioning center license.

Council Member Costanzo said the residents went out and petitioned to have term limits for city council. Council Member Costanzo opined he did not think the council should put it on the residents to amend the city charter. He said we as a council can do the same thing without having to go through a petition. He said he believes in term limits and after so many terms someone becomes ineffective as a leader.

Council Member Costanzo moved to have council draft their own language to amend the city charter to include term limits and hold a special election in March of 2021. Motion died for lack of support.

Council Member Woods he said he wanted to speak to this. Council Member Woods said the council already has term limits; it is called a vote. He said at the last November local election one incumbent was pulled out and he took his spot. Council Member Woods explained in regard to bringing fresh people in, his was an exact example of bringing somebody in that was not an incumbent. Council Member Woods said the numbers from last November election of the 3,991 votes, 1,891 went to incumbents. He said that is roughly half the votes. He said it does not make sense to term limit incumbents in a small town to disenfranchise 1,891 votes.

Council Member Costanzo asked how many active lawsuits Walled Lake is currently named in.

City Attorney Vanerian explained there were three active lawsuits. He said one was from COEUS, a denied marijuana applicant which was filed a number of years ago and was in circuit court for a long amount of time with extensive discovery and videotaped depositions of city council members. He said the circuit court judge dismissed the case because it was found to be absurd, baseless, and completely unsupported by fact or evidence. City Attorney Vanerian explained the case was a frivolous baseless harassment lawsuit filed against the city that was intended to try and bully the city into doing something by simply embarrassing elected and appointed officials with baseless claims. He said however, COEUS filed an appeal and it is still pending in the court of appeals, it has not been briefed yet and no decisions have been made. City Attorney Vanerian explained the second lawsuit was filed by the same group, COEUS, against the city manager accusing him of allegedly making some sort of defamatory statement because he used the word cartel in the course of discussing the litigation. City Attorney Vanerian said the judge again dismissed the case because it was a baseless frivolous lawsuit. He explained the plaintiff for this case were the attorney's and the attorneys were the plaintiffs. He said the plaintiff appealed this case as well and it is still pending in the court of appeals. There have been no briefs filed yet or any decisions yet made. City Attorney Vanerian explained lawsuit three was filed by BDS another denied marijuana applicant. He asked council to keep in mind the city ordinance allows only three licenses for provisioning centers and the city received twenty applications. He said this meant an overwhelming majority would be denied. He said this denied applicant, BDS, took to suing the city in efforts to force the city into giving them a license. City Attorney Vanerian explained BDS sued the city because they were denied a license and their appeal to city council was also denied. City Attorney Vanerian explained briefs have been filed on these two cases and are awaiting the court's decisions.

City Manager Whitt said the city council by their own actions can initiate a charter amendment it is within their authority to do so. City Manager Whitt said Council Member Costanzo unexpectedly made a motion tonight to do this but what should not be missed in Council Member Costanzo making this motion is the fact that it was a motion to eliminate Council Member Costanzo's opposition in the next local city general election. City Manager Whitt opined that Council Member Costanzo's motion would prohibit any opposition allowing Council Member Costanzo to walk into any position he wants. City Manager Whitt opined that Council Member Costanzo's motion attempts to decapitate the city government, the term limits proposal removes all the council members who have been opposed to too many marijuana facilities, eliminates regulations concerning marijuana facilities and decapitates the city council leadership. City Manager Whitt opined Council Member Costanzo wants to have free rein as he has met with members of the marijuana side, the plaintiff's suing the city and Council Member Costanzo supports the attorney's who assisted with submitting and circulating the petitions. City Manager Whitt said this should not be missed in this whole discussion. City Manager Whitt said of course Council Member Costanzo has a right to circulate a petition, but it is pretty disingenuous for Mr. Costanzo to say he believes in term limits when it does not term limit him but it term limits his opposition.

Council Member Costanzo said he did not meet with anybody. Council Member Costanzo said he did what he was allowed to do he is not trying to eliminate anybody.

Mayor Ackley opined Council Member Costanzo statements are untrue. Mayor Ackley said she personally met with Council Member Costanzo and discussed with him why he had met with the plaintiffs who are in the lawsuit against the city and Council Member Costanzo admitted to her the plaintiffs were present at his gatherings. Mayor Ackley said when a plaintiff is present you should leave.

Council Member Costanzo admitted that Mayor Ackley was correct but said it was coffee with a councilman.

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. First Reading C-356-20 Amendment to Chapter 51, Article 17.00, Section 17.02 Front setbacks

CM 9-5-20 TO APPROVE FIRST 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 Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve first 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 asked for history of this ordinance presentation.

City Attorney Vanerian explained this stems from the Zoning Board of Appeals. He said it is regarding a home on E. Walled Lake Drive. City Attorney Vanerian explained the existing homes and new built homes were all lined up via the same site line with each other. He said one of the homeowners presented a rather large renovation with a proposal

to build the home more forward than the other houses adjacent to his property. He said this property's setback would be less than the neighboring homes. He said there was a written request for an appeal of the administrative decision of the approval of the plans with location of the home. He explained one of the powers within the ZBA is to request an interpretation of the zoning ordinance provisions. He said the board interpreted the ordinance in such a way that the applicable setback would be the Established Residential Building Pattern (ERBP). He said there was argument back and forth on the ordinance and its applicable rights. He explained the board believed the amendment in 2002 was for those houses in this specific area on E. Walled Lake Drive to have a setback of the ERBP.

Mayor Pro Tem Ambrose said in regard to the older homes in the area, if somebody wanted to do a major build out they would be prohibited from building a home into this area because of the ERBP. He said some of the older homes are setback compared to the new builds. He asked if the new builds are now encroaching into the right-of-way (ROW).

City Attorney Vanerian said no one is encroaching in the ROW. He said this ordinance is for E. Walled Lake Drive to 14 Mile only.

Mayor Pro Tem asked if new homes are still within their setbacks.

City Attorney Vanerian said the intent of the ordinance is to try and keep the setbacks in alignment with each other. He said if someone wanted to build out the front of their home they could not go farther forward than the average of the setbacks of houses on each side. City Attorney Vanerian explained the intent of ordinance is to have the home built within the average setback of the existing homes.

Mayor Ackley recommended first reading move forward but suggested to council to drive along E. Walled Lake Drive and review the established residential building pattern (ERBP).

Roll Call Vote

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

2. Proposed Resolution 2020-32 Public Safety Department – Police Division Vehicle Purchase

Police Chief Shakinis explained this is part of the annual vehicle rotation maintenance schedule and of the three vehicles one is from 2011, 2012, and 2014. Chief Shakinis explained due to the pandemic, concerns have risen of being able to get the vehicles

already ordered. Chief Shakinias explained he was fortunate to come across three vehicles and is in current negotiations with the bidder John Jones. Chief Shakinias explained the funds would be from the federal forfeiture fund which is a permissible use and asked council to consider approval of resolution 2020-36 with purchase not to exceed \$34,718 per vehicle. Chief Shakinias explained one of 2013 Dodge Chargers had to have \$4,000 worth of vehicle maintenance during May and June. Chief Shakinias explained the Durango was the most cost-effective vehicle compared to Ford Explorer and Chevy Tahoe.

Council Member Lublin said it is important to note this is an approved use of forfeiture funds and he supports the resolution. He said keeping equipment current and in good shape is important.

CM 9-6-20 TO APPROVE RESOLUTION 2020-32 A RESOLUTION APPROVING THE PURCHASE OF THREE NEW 2020 DODGE DURANGO POLICE PACKAGE PATROL VEHICLES NOT TO EXCEED \$34,718 PER CAR AND \$16,500 PER CAR FOR POLICE EQUIPMENT INSTALLATION

Motion by Lublin, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve resolution 2020-32 a resolution approving the purchase of three new 2020 Dodge Durango Police Package Patrol Vehicles not to exceed \$34,718 per car and \$16,500 per car for police equipment installation.

Discussion

Council Member Costanzo said the city just paid \$32,000 for a police vehicle. He said that is five total that have been and will be purchased. Council Member Costanzo said he personally would like to find less expensive vehicles and use that savings for possibly bodycams. Council Member Costanzo asked Chief Shakinias if this was explored.

Police Chief Shakinias explained to Council Member Costanzo that the 2011, 2012, 2014 are older cars for fleet vehicles and an average life span for vehicle is only three to five years.

Mayor Ackley said she understands the question of bodycams but placing the officers on foot is not an option. Mayor Ackley said when it starts costing \$4,000 to \$5,000 for vehicle repairs it is not reasonable to keep these vehicles we are defeating the purpose and expending the budget. Mayor Ackley said if we lose two or three vehicles to repairs then those officers are not on the road or are doubling up in cars. Mayor Ackey said we need to keep these vehicles on the road and keep officers on the road.

Mayor Pro Tem Ambrose explained his support of keeping officers on the road in safe working vehicles.

Council Member Woods complimented Chief Shakinas on getting the vehicles costs down. Council Member Woods explained he did research of his own finding the Ford Explorer base price was beginning at \$40,000. He said a job well done negotiating the cost down to \$34,718.

Roll Call Vote

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

3. City Charter

Council Member Costanzo said the city charter specifically chapter 7 outlines council procedures on initiatory petitions. Council Member Costanzo said section 7.11 of the charter allows council to choose to adopt as submitted an initiatory petition or in paragraph C of the same section council can submit the proposal provided for in the petition to the electors Council Member Costanzo said this is important, the charter gives council the leeway in petitions and initiatory petitions.

Council Member Costanzo moved as allowed per section 7.11 paragraph 8 of city charter to adopt petition language. Motion died for lack of support.

Council Member Costanzo made a second motion to submit the initiatory petition submitted on city council term limits to the electors of Walled Lake as allowed in the city charter section 7.11 paragraph C at a special election to be held in March 2021. Motion died for lack of support.

City Attorney Vanerian explained amending the city charter is controlled by state statute there is a specific state statutory procedure that has to be followed to the extent there might be some, the charter may say something different, but the procedure is outlined in the state statute. He said if the charter explained something different, the state statute still has to be followed.

Mayor Ackley asked if charter amendments must be at a general election.

City Attorney Vanerian explained if by way of an initiatory petition then it must go before the general election, the November election.

COUNCIL COMMENTS:

Council Member Woods said in reference to some of the discussion from tonight, he said he walked around door to door at the last November election September, October and the beginning of November and visited approximately 80% of the houses and residents

within Walled Lake. Council Member Woods said 85 to 90% of residents specifically had asked him about the 2018 ballot question regarding Proposal 1. Council Member Woods explained those he spoke with did not want additional marijuana dispensaries within Walled Lake. Council Member Woods explained the residents told him they did not want any more than three. Council Member Woods said with the people that supported proposal 1 and going further with all this court action, city term limits on council people and the city manager, the residents of Walled Lake need to start connecting the dots here. He said when going back to the January 21st council meeting, the question was proposed, or asked of Councilman Costanzo did he have discussions with Steve Atwell. Council Member Woods said Councilman Costanzo advised during his Coffee with the Councilman there was a letter dated around January 16th from Mr. Atwell that items were discussed with Councilman Costanzo during Coffee with Councilman. Council Member Woods explained by the end of the week and before the following meeting, council members received a letter that stated at the bottom of it that there had been numerous conversations with Council Member Costanzo. He said this was prior to the January council meeting. Council Member Woods said to look at the effort to do term limits on city council members and city manager. Council Member Woods said the city manager term limit would have a grave financial effect on the city and its need for a fire truck. Council Member Woods said council has discussed the needs to fix up the downtown by doing sidewalks and other entities and areas that need correction in Walled Lake. He opined it does not make sense to have a proposal that would cost well over a million dollars. Council Member Woods said moving into the fact council added two years to the existing three years of the city manager's contract, he said look at taking the replacement city manager cost plus all the other positions that we have functioning currently under one person that would need a separate manager or head position, to him it does not make sense. Council Member Woods said he has heard from numerous residents and will continue to talk with numerous residents and direct them to the right information.

Council Member Owsinek said as far as term limits, he does not believe council needs to be term limited because the citizens are astute enough to figure out who is actually working for them and who is not. He said as Councilman Woods had said, the way term limits work is when the citizens feel that council or a council person does not serve their needs they vote that person out.

Council Member Lublin said he fully concurs with Councilman Woods and appreciated him brining this up and it is clear who Councilman Costanzo is representing. Council Member Lublin said he is proud of the city workers and the way the city police, fire, DPW and administration work together, it is a great team. He said City Manager Whitt works to keep people working well together and he applauds the entire city staff.

Council Member Costanzo said there have been multiple violations of Roberts Rules of Order that the chair allowed. Council Member Costanzo said his Coffee with a Councilman are open to the public and have always been; there are no secret meetings. Council Member Costanzo said he had several council meetings before he was elected.

He said he is the only one who voted against the marijuana in the city. He said term limits are a good thing. He said many on this council do not want term limits because they are in a position of power. He believes in a level playing field and the little guy. He said the trailway project was blamed for not purchasing a pumper truck. He said the millage on the proposal allowed the DDA to take funds from the trailway and give to the city. He said the personal affronts are against Robert Rules of Order and council cannot do what they are doing.

Mayor Pro Tem Ambrose said the trailway millage was voted down not because of the DDA. Mayor Pro Tem Ambrose explained to Council Member Costanzo, as has been in the past when these millages have gone through, the DDA has past dollars through to the city. Mayor Pro Tem Ambrose said Councilman Costanzo needs to educate himself. Mayor Pro Tem Ambrose said regarding term limits, every two years based on performance, the people have an opportunity to vote them in or vote them out, there are new people coming on board and nobody is here forever especially in this cantankerous situation we're in with this marijuana business. Mayor Pro Tem Ambrose said regarding the lawsuits, residents realize what the common denominator is which are disgruntled individuals or a business or represented by a business that did not get a marijuana license. Mayor Pro Tem Ambrose said when looking at the lawyers representing them, it is the same lawyer and there is no coincidence. Mayor Pro Tem Ambrose said council did its due diligence in addressing recreational marijuana the public voted for making those establishments part of the medical marijuana facilities so the city still only could allow for three facilities. Mayor Pro Tem Ambrose explained what was being pushed by these groups, who are the same people and same attorney's who have sided with these people who wanted eight additional marijuana licenses in the city. Mayor Pro Tem Ambrose explained people agree with limited numbers not eight.

MAYOR'S REPORT:

Mayor Ackley said if the citizens of Walled Lake do not want council members in they will vote us out. Mayor Ackley explained that she has served this city several years; she serves because she cares for Walled Lake it is not power or money as spouted by Councilman Costanzo. Mayor Ackley stated that there is no power in being the Mayor, she is a resident of this community as everyone else. Mayor Ackley said council voted to hire City Manager Whitt who saved the city from an emergency manager state, the city would have lost so much under an emergency manager. Mayor Ackley said the city manager mentors staff and saved the city from an emergency manger opining the city manager is worth the pay. Mayor Ackley explained Councilman Costanzo said he was against the marijuana in Walled Lake but yet tried to get this council to make the recreational license separate from the medical provisioning center license so there could be more provisioning centers in Walled Lake. Mayor Ackley said council voted no, not to allow additional licenses for recreational marijuana, so it would remain only three provisioning centers for both recreational and medical. Mayor Ackley said in her years of working for the court, she abided by never discussing anything with the plaintiff or their attorney if you are the defendant and vice versa no matter if Coffee with a Councilman or

not. Mayor Ackley said this was not hearsay, Councilman Costanzo confirmed to her the plaintiffs were there. Mayor Ackley said she is excited to work on the city and DDA sponsored Trunk and Treat with the businesses and residents. Mayor Ackley said she is afraid this Halloween will be disappointing for the children; she hopes the trunk or treat will help with that. She said the social distancing rules will be abided by.


AUDIENCE PARTICIPATION:

Neal Wolfson, 565 Winwood Court – said he has never been so disappointed with someone who is on city council who you would think from things he has talked about with this council person before would have the best interests of the city and how over the years has alienated himself from the Mayor and City Council but wants to give the impression of trying to help the citizens of Walled Lake. Mr. Wolfson said people can vote council out after two years if they do not want them that is their term limit. Mr. Wolfson said it is embarrassing to hear how this council person acts with other city council, after all the hard work council, the city manager, police chief, fire chief, city attorney and staff have all done over these ten years to save the city from bankruptcy and trying to move the city forward. Mr. Wolfson said you have to work together even when disagreeing and he opined this person just does not do that. Mr. Wolfson said he hopes the public realizes this and would decide not to vote this person back in.

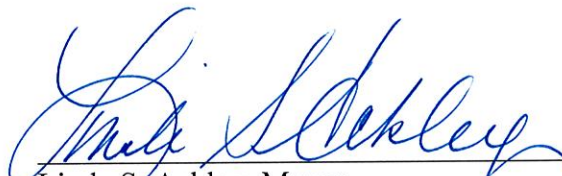
Gerald Millan, 103 E. Walled Lake – said he commends Councilman Costanzo for being smarter than our Police Chief and police officers for knowing better when they need new police cars. Mr. Millen said Councilman Costanzo is an opportunist. Mr. Millen said Councilman Costanzo is trying to run from the fact that he wants to defund the police and fire by now saying let's go buy a fire truck because he failed at the ballot petition for term limits of the city council. Mr. Millen said Councilman Costanzo pushed a ballot proposal to essentially eliminate everyone on city council except for himself and his crew. Mr. Millen said Councilman Costanzo and his crew mislead the public. Mr. Millen said Council Member Costanzo and his crew bribed people with gas cards and donuts to sign a term limits petition. Mr. Millen stated Councilman Costanzo runs multiple fake websites pretending to be the City of Walled Lake. Mr. Millen said the fake city websites were changed by Council Member Costanzo after Council Member Costanzo was outed during a sworn deposition.

ADJOURNMENT

Meeting adjourned at 9:35 p.m.



Jennifer A. Stuart, City Clerk



Linda S. Ackley, Mayor

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

approved 10/20/20