



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 17, 2019
7:30 P.M.**

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

Pledge of Allegiance led by Mayor Ackley.

Invocation led by Mayor Pro Tem Owsinek.

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

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

OTHERS PRESENT: City Manager Whitt, Assistant City Manager Pesta, Police Chief Shakinas, Fire Chief Coomer, Finance Director Barlass, City Attorney Vanerian, Deputy City Clerk Gross, and City Clerk Stuart

REQUEST FOR AGENDA CHANGES:

Council Member Costanzo stated he had two items to add under Unfinished Business; sidewalks and crosswalks as item #2 and the sign ordinance as item #3.

APPROVAL OF THE MINUTES:

1. Regular Council Meeting of August 20, 2019

Council Member Costanzo stated he is opposed to the minutes opining, “the minutes presented tonight I feel there is numerous and significant omissions to the record and for that I am opposed to approval of the minutes.”

CM 9-1-19 MOTION TO APPROVE REGULAR COUNCIL MEETING OF AUGUST 20, 2019

Motion by Owsinek, seconded by Lublin, CARRIED: To approve the Regular Council Meeting minutes of August 20, 2019.

Roll Call Vote

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

Mayor Ackley requested the Rules for Audience Participation to be read into the record. Clerk Stuart read the rules.

AUDIENCE PARTICIPATION:

Dee Profitt-Agius, 1600 Lookout – said she has lived in and around Walled Lake for her entire life and raised both of her kids in Walled Lake, both graduating from Walled Lake Western just like her.

Ms. Profitt-Agius said her father, Paul Profitt, was a local builder and building inspector who actually took part in building the original library and police station in this building back in the day. Ms. Profitt-Agius said Walled Lake is her home now and always has been.

Ms. Profitt-Agius said the reason she is here tonight is to speak on the misinformation and ignorance surrounding the question of Marijuana dispensaries in town. Ms. Profitt-Agius said the race-baiting and fearmongering that she has heard and read in online discussions insults the intelligence of every person in Walled Lake. Ms. Profitt-Agius said she prays that all that nonsense and bigotry falls on deaf ears, but just in case it doesn't she would like to set the record straight about medical marijuana and how it affects the people and cities where it is allowed to thrive. Ms. Profitt-Agius said we cannot afford to let lies and ignorance rule the day.

Ms. Profitt-Agius explained in February she and her husband will celebrate their 35th wedding anniversary, but her husband would not be here to celebrate if it weren't for the availability of Medical Marijuana and Rick Simpson Oil, a derivative of Marijuana that is known for successfully treating everything from epilepsy to Parkinson's disease.

Ms. Profitt-Agius said several years ago, her husband, a Vietnam Veteran and local Chef was diagnosed with Type II diabetes after passing out and nearly dying before they could get him to Veteran's hospital. Ms. Profitt-Agius said his blood sugar was almost 600 and his body was in the process of shutting down. Ms. Profitt-Agius said that at his age his condition would likely worsen and begin to affect his overall health. Ms. Profitt-Agius said they said there was no cure, and the best we could hope for was to avoid blindness or an amputation before eventually dying of complications from diabetes.

Ms. Profitt-Agius said that was more than 5 years ago and not only is her husband of 35 years still alive and healthy (not blind and not missing limbs) he no longer requires insulin injections of any kind that is largely due to marijuana. Ms. Profitt-Agius said her husband was able to treat his physical pain with cannabis —based ointments and edibles that enabled him to avoid

dangerous opioids and addiction and he took a pearl-sized drop of Rick Simpson oil every morning. Ms. Profitt-Agius said within 6 months he was completely free of any signs of diabetes. Unfortunately, he is still old, just no longer sick.

Ms. Profitt-Agius said this miracle medicine that turned her husband's health around is only available at marijuana dispensaries. Ms. Profitt-Agius said when dispensaries in this area closed down it created a great hardship for her husband and her and forced them to spend money. Ms. Profitt-Agius said other senior citizens in the area need access to safe, legal cannabis.

Ms. Profitt-Agius said she appreciates Walled Lake finally allowing the opening of a dispensary here and hopes and prays that Council will not overburden this burgeoning industry with regulation.

Ms. Profitt-Agius said Walled Lake has many other businesses that sell substances much more harmful than marijuana.

Ms. Profitt-Agius asked if anyone knew how many deaths the smoking, ingesting or applying of cannabis products have caused? Not one. Ms. Profitt-Agius said even the DEA, the Drug Enforcement Agency admits that there has never been a single over-dose death from the use of marijuana. The enforcement of arcane marijuana prohibition laws have destroyed hundreds and hundreds of lives and must be stopped. Ms. Profitt-Agius said marijuana was legalized through a majority of the electorate and yet, a year or more later we're are still trying to stifle its development?

Ms. Profitt-Agius said we need to act smart and stick to the facts when it comes to the implementation of marijuana legalization. Ms. Profitt-Agius said according to the National Academies of Science, Engineering and Medicine, in 2017 found that cannabis reduced chronic pain for a multitude of conditions from arthritis to diabetes by 40% with no risk of overdose. It has also been found to reduce the nerve pain and muscle spasms associated with Multiple Sclerosis. A 2017 survey suggests that as many as 66% of the one million Americans with that disease find relief from the use of marijuana products. Cancer pain, depression, anxiety, Alzheimer's, dementia and PTSD are just a few of the conditions known to be successfully treated with cannabis products.

Ms. Profitt-Agius said not only does the legal sale of marijuana generate millions in tax revenue for the city, it raises property values for everyone who lives there also. Ms. Profitt-Agius said research from the Cato Institute found that single-family homes within one-tenth of a mile of a cannabis retailer increased 8.5 — 10% in value compared to a home located slightly further away.

Ms. Profitt-Agius said in Colorado, the home values in some cities that had at least one dispensary increased at nearly double the average rate nationally. Ms. Profitt-Agius said the study published this month in the journal of Regional Science and Urban Economics, analyzed crime data from Denver between January 2013 and December 2016.

Ms. Profitt-Agius said the results imply that an additional dispensary in a neighborhood leads to a reduction of 17 crimes per month per 10,000 residents, which corresponds to roughly a 19 percent decline relative to the average crime rate over the sample period.

Ms. Profitt-Agius said please don't allow old racial tropes and Vietnam era fears to close your mind to the potential of marijuana-based products and the success of the businesses that sell them.

Council Member Loch arrived at 7:36 pm

Diane Johnson – said she was not comfortable providing her address for fear of audience members. Ms. Johnson explained she had an issue and she would discuss it with Assistant City Manager Pesta tomorrow during city office hours.

Neal Wolfson, 565 Winwood Court – discussed the petition to term limit the City Manager's position that was sent to the State initiated by Take Back Walled Lake which is to amend the City Charter regarding a ten-year term limit for the position of City Manager. Mr. Wolfson said Dennis Whitt was hired in 2010, if this amendment is approved, the City will be liable for over \$500,000 in severance pay, plus fees to hire a new city manager. Mr. Wolfson explained based on the January 15, 2019 council meeting minutes, Council Member Gabe Costanzo made a motion that approved the positive performance evaluation of City Manager Whitt and council unanimously voted in agreement. Mr. Wolfson explained after a few years, Mr. Whitt delivered on his promises. Mr. Wolfson said the City Council then negotiated a new contract. Mr. Wolfson asked if anyone reviewed the audited financial statements. Mr. Wolfson explained if this charter amendment is approved, it would not only hand string from soliciting future City Manager's but also deter the expertise to perform the jobs at hand. Mr. Wolfson said in his opinion, this amendment is not in the best interest of the city or its citizens. Mr. Wolfson said the current Council has been doing their job. Mr. Wolfson explained Council worked together and after reviewing over 60 applications and interviews, selected the current City Manager and said, "I believe this Mayor and City Manager have brought the City back from the brink of disaster." Mr. Wolfson explained the City prides on promoting from within citing the current Police and Fire Chief have worked their way through the ranks and have been doing an exemplary job and through their leadership their departments have succeeded. Mr. Wolfson said the City Manager has worked with the City Clerk, Assistant City Manager, and Finance Director with educational advancement opportunities to better the City. Mr. Wolfson explained city personnel has taken back Walled Lake and placed Walled Lake on a path to recovery. Mr. Wolfson said working together with the Mayor and City Manager, not against them, will help keep Walled Lake moving forward.

Tina Thurston – said she will not provide her address with news crews present and explained City Manager Whitt was in Tri A when it was recently flooded by rain. Ms. Thurston wanted to know about road funding.

Manager Whitt explained the flooding is a new issue with the recent heavy rains. Mr. Whitt explained that the Tri A project flooding did wash away the fresh topsoil placed to lock in the

restoration efforts. Mr. Whitt said the water is flowing now and this is a major improvement. Mr. Whitt said the City started in Area H then moved to Tri A to fix the flow of water. Mr. Whitt said the Tri A neighborhood is a low built area. Mr. Whitt said there was a pond. Mr. Whitt said the improvement of water drainage in the area has been noted but there is still an issue with how low the neighborhood is. Mr. Whitt said this is a unique situation in Tri-A. Mr. Whitt said the contractors will be back in the area for restoration. Mr. Whitt said there will be a meeting scheduled with the City Manager's Office, city engineer and residents of Tri A for feedback and outstanding issues.

Assistant City Manager Pesta stated that there was a meeting scheduled tomorrow with the city engineer and contractor.

Manager Whitt explained that as of yet there is no road funding. Mr. Whitt explained the public safety issue of non-working fire hydrants is resolved; the road funding plan will continue to be reviewed.

Ms. Thurston said it has been a year for road funding discussions.

Manager Whitt said this is the biggest project in Walled Lake to date. Mr. Whitt explained roads are an issue as well and efforts are being made for grants. Mr. Whitt explained the City did receive a grant for Decker Road, it is a gateway area to the City.

Ms. Thurston explained she appreciates the fire and police departments stating she voted for the millage.

Callie Agius, 1600 Lookout – said we must be strong, and we must be fearless when confronting the dangers in our local communities. Ms. Agius explained her involvement in an ongoing investigation regarding an alleged home-grown sexual predator and his enabling mother since early July. Ms. Agius said she and other alleged victims of the Matkowski family have been treated with respect from the Walled Lake Police Department and City Council. Ms. Agius said they have been listened to and taken seriously in a world that is systematically designed to work against us, but most importantly they believe us. Ms. Agius said the owner of the studio, Dori Matkowski admitted that her son Tyler had a dangerous problem in an email shortly after the notorious threat went viral. Ms. Agius opined it was wise and unprecedented of the City Manager and City Council to completely cut ties with Dance Dynamics pending the ongoing current criminal investigations. Ms. Agius said she and thousands of alleged victims and their supporters nationwide commend the City for taking the allegations and safety so seriously. Ms. Agius said she would like to show gratitude to the local community for their continued support in their efforts. Ms. Agius said they will be having their third Stand in Solidarity event next Saturday September 28th on the public property in front of the Fire station from 12 to 4 pm. Victims and their supporters will be gathering to spread continued awareness and information for victims everywhere. Ms. Agius invited anyone to attend who feels awareness against sexual misconduct is vitally important to the safety of our community. Ms. Agius said this used to be about a single local family and their business but through shared trauma, SIS has created a community of supporters who span much further than the alleged victims of the Matkowski

family. Ms. Agius said SIS has created platform where communities have a duty to shine a bright light of truth upon dangerous people. Ms. Agius said she will continue to encourage an environment where sexual predators and bigots are publicly outed especially when they are local business owners or in a potential position of power like city council candidates Rick Greenwell and Jeff Rondeau. Ms. Agius said we cannot win the war through surrender we must keep up the fight. Ms. Agius said thank you, Walled Lake, for doing better and being on the right side of history.

Darlene Ciampa – she prefers not to provide her address verbally but will write it down. Ms. Ciampa explained she echo's Ms. Tina Thurston's plea for a fair, impartial and attack free election.

Gerry Anderson, 127 S Pontiac Trail, explained recent activities of the Lakes Area Homeowners Association (LAHA). Mr. Anderson said the board voted unanimously to extend the invasive weed control on the lake. Mr. Anderson thanked Council Member Ambrose as the Walled Lake representative for moving this forward. Mr. Anderson explained invasive weeds have strong maintenance requirements. Mr. Anderson said Mercer Beach is probably the most used public property and Walled Lake is more than a pass-through town, the energy is there. Mr. Anderson said Walled Lake has identified additional storm drains and he appreciates in the upper subs not utilizing fertilizers that wash down to the beach. Mr. Anderson explained they fund a program to round up goose eggs and nests to remove them to help reduce the e coli. Mr. Anderson said the weeds in the lake move from lake to lake because people do not wash their boats off. Mr. Anderson explained there will be two new wash stations one in Walled Lake and one in Novi. Mr. Anderson said this will be helpful. Mr. Anderson said the passion of the police and fire millage and school millage shows residents have faith in what Walled Lake is doing. Mr. Anderson said the opening of the rails to trails will hopefully spark some investments. Mr. Anderson said it feels like there is new energy and he hopes to keep moving forward.

Kenneth Kolke, 179 Spring Park – asked if the City Council and City recognized and understood his jurisdiction.

Marlene, Neptune – said she has been a taxpayer of the city employees' salaries since 1989 and she will not give her name and address. Marlene explained according the Open Meetings handbook Act on page 13, she is not required to give her address. Marlene said she lives on Neptune.

Mayor Ackley explained providing name and address is policy of the City Council. Mayor Ackley explained just as audience participation is finished the audience participation list is picked up and handed to the City Clerk.

Attorney Vanerian explained this is a long-standing policy of City Council, dating back decades as a rule of City Council and if those that wish to speak, they provide their name and address.

Mayor Ackley explained a copy of the policy could be obtained from the City Clerk tomorrow.

Randy Champe, 1275 Leon Road – said his family has been in Walled Lake here over 100 years. Mr. Champe asked how he can get a copy of the agreement with Shafer Development, so he knows what they are required to do. Mr. Champe said there is also supposed to be a 25-foot buffer. Mr. Champe said he pointed this out to the City. Mr. Champe said this is stressful. Mr. Champe asked who he can contact about a casualty of the development and explained there is a dead deer decaying 30 feet from his property. Mr. Champe asked who takes care of that, the development company, police, or fire. Mr. Champe said the people working on site just ignore it.

Manager Whitt explained the agreement can be emailed and asked for email to be provided.

Mr. Wolfson requested to speak a second time.

**CM 9-2-19 TO GRANT AUDIENCE MEMBER NEAL WOLFSON TO SPEAK
A SECOND TIME DURING AUDIENCE PARTICIPATION**

Motion by Ambrose, seconded by Loch, UNANIMOUSLY CARRIED: To grant audience member Neal Wolfson to speak a second time during audience participation.

Roll Call Vote

Ayes (7) Costanzo, Loch, Lublin, Owsinek, Robertson, Ambrose, Ackley
Nays (0)
Absent (0)
Abstention (0)

Mr. Wolfson explained he had run into Mr. Champe at a store and discussed the new Beachwood Planned Unit Development. Mr. Wolfson said Mr. Champe is not an unreasonable person and they had a nice discussion. Mr. Wolfson explained to Mr. Champe, Council and administration are good people and very reasonable. Mr. Wolfson said he explained to Mr. Champe he can and should approach the city to ask questions. Mr. Wolfson said the city staff is available.

COUNCIL REPORT:

Council Member Ambrose said the DDA board had their regular meeting last Tuesday and there was discussion of the businesses supporting a t-shirt for the people that were participating in the inaugural ride for the rails to trails which will start on Lake Michigan all the way through our communities and many others to Lake Huron. Council Member Ambrose explained it was suggested the DDA could possibly pay for it instead of the individual businesses and the DDA members unanimously supported the purchase of approximately 60 shirts for the participants that were in the event and they expressed their appreciation.

Council Member Ambrose thanked Mr. Anderson for reporting on the lake and the quality of the lakes since the inception of the lake Board. Member Ambrose explained the improvements since weed control has been implemented including removal of invasive species and weed removal.

Member Ambrose explained two wash basins were purchased by Oakland County that will hopefully benefits us.

Council Member Costanzo said he attended the Michigan Airline block party in Wixom and explained there was an educational piece on the new road crossing signals, they are different than what we are used to seeing.

Council Member Ambrose said the final asphalt paving for the rails to trails, along M-5 to Haggerty will be installed. Member Ambrose explained that part of the final asphalt phase is the placement of an adhesive prior to the final cap. Member Ambrose said there are notices posted that the trail is closed, the trail is closed to let the adhesive alone. The signs need to be obeyed.

Mayor Ackley explained the lights and bollards will not be completely placed until October sometime and the trail is not officially opened yet.

Member Costanzo explained reports of vandalism along the trail were provided and the railway council asked for the communities to monitor.

CITY MANAGER REPORT:

1. Departmental / Divisional Statistical Reports

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

CM 9-3-19 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS

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

Roll Call Vote

Ayes (7) Loch, Lublin, Owsinek, Robertson, Ambrose, Costanzo, Ackley
Nays (0)
Absent (0)
Abstention (0)

City Manager Whitt said an update on Tri A was provided earlier. Mr. Whitt said the standing water has been improved and it is draining substantially quicker.

City Manager Whitt said there be opportunity to meet with homeowners of Tri-A for any outstanding items. Mr. Whitt explained that during the work process, there will be repairs and

better yards. Mr. Whitt said it is his understanding from residents of Tri A that there was less damage during the project. Before the project is closed, additional repairs to sites and lawns will have to be repaired. Mr. Whitt said improvements can be seen. Mr. Whitt said the recent rain was substantial, the same rain caused problems occurring at the beach as well. Mr. Whitt said the rain was a large amount in a short period of time. Mr. Whitt said there was substantial loss of the beach. Mr. Whitt said redirecting of the water flow is necessary. Mr. Whitt said the beach was addressed by the afternoon.

City Manager Whitt said the Memorial Committee met and elected a chairman and asked the chairman, Mr. Neal Wolfson to provide a report on the development of the multi-purpose public safety extension with the trailhead, a concert area, and a training facility.

Mr. Wolfson explained the meeting went well and in attendance were Police Chief Shakinis, Fire Chief Coomer, Mayor Pro Tem Owsinek, DDA Member Blair, and City Manager Whitt. Mr. Wolfson said there was discussion on memorial designs and usages of the land. Mr. Wolfson explained the forfeiture funds can be utilized for the construction of this land. Mr. Wolfson explained the area could be utilized for hosting concerts, farmer market, police and fire training, and a covering for picnics.

Mr. Whitt explained the budget is not finalized until the potential uses have been discussed more. Mr. Whitt said discussions with the engineer will be tomorrow. Mr. Whitt explained the forfeiture funds can be utilized to start the base of the project. Mr. Whitt explained this site can be used as a multipurpose property. Mr. Whitt explained forfeiture money cannot be utilized to supplement the city's budget.

Council Member Ambrose explained there will be a bridge allowing trail users access and vice versa.

City Manager Whitt explained the design will include a natural entrance and exit to the trail. Mr. Whitt explained the apron work in front of the public safety campus along Maple Road was part of the plan for improvement of the memorial in front of city hall. Mr. Whitt said Council previously established a fire hydrant replacement program and the one in front of the public safety campus took some time to relocate but it was all part of the improvement.

City Manager Whitt explained the City is still bound with the trail council by contract, there was no money budgeted to pay for what the City was billed for. Mr. Whitt explained moving the \$50,000 to pay trail expenses was done under his authority as Chief Financial Officer. Mr. Whitt explained the warrant shows the payment and the City's obligation was met. Mr. Whitt said this money came from other places within the operating budget that was designated to other places such as ADA sidewalk improvements however, the City has an obligation to the trail payment.

Member Costanzo said he was contacted before tonight's meeting about Salvation Army and the stop sign that is missing and also a 25 MPH speed limit sign that was taken out of the ground which is now leaning against someone's tree.

Manager Whitt explained these items should be reported immediately, the day it happens to expedite repair.

Member Costanzo said he had a point of inquiry of when the repaving of Decker Road would commence.

Manager Whitt explained to Member Costanzo that the grant for Decker Road was approved and is not scheduled until 2021 however, no work on Decker Road will commence until the ongoing developments are completed. Manager Whitt explained meetings regarding Decker Road will be held when time is closer to completion of the developments. Mr. Whitt explained it will be a bit of time before Decker Road will be worked on and he apologized for delays. Mr. Whitt said Decker Road is the last stretch of road to be touched in Walled Lake.

CORRESPONDENCE

None

ATTORNEY'S REPORT

1. First Reading C-347-19 Recreational Adult Marihuana Establishment Ordinance

City Attorney Vanerian explained this is an ordinance requested by Council from the last council meeting. Mr. Vanerian explained there is an initiatory ordinance that will be appearing on the November ballot. Mr. Vanerian explained if approved by the voters, the ordinance will require the City to approve 8 recreational marihuana retail facilities in Walled Lake and prohibit all other types. Mr. Vanerian explained this ordinance is a backup ordinance that would go into effect in the event the initiatory ordinance was rejected by the voters in November, Mr. Vanerian explained this ordinance he is presenting tonight keeps the total number of facilities the same as currently under the medical regulations. It would allow for the approved medical faculties to serve the dual purpose of also being a recreational adult use facility as well. Mr. Vanerian explained under the current ordinances, there is a total of three medical provisioning centers city wide, and those three medical provisioning centers would also be eligible for approval to sell marijuana recreationally. Mr. Vanerian explained this ordinance does not increase the total number above and beyond the medical, it essentially keeps the number the same. Mr. Vanerian said there are differences between the adult recreational act and marihuana facility licensing act. Mr. Vanerian explained under the recreational use act there are some different types of facilities that are provided for that are not provided for under the medical use act such as a marijuana micro business.

Mayor Ackley explained she had suggestion to insert in the ordinance hours of operation. Mayor Ackley explained comments she has been told, is that the Sunday hours are very inconvenient because it doesn't open until 2 p.m. in the afternoon. Mayor Ackley said there have been no complaints of Sunday operations or the hours period. Mayor Ackley said she would like to see this allowed as a 9 am to 9 pm operation Monday through Sunday.

Mayor Pro Tem Owsinek explained this suggestion could be made at the second reading.

Mayor Ackley explained she would like to see it inserted now going forward as this is what is coming to her from the public.

City Attorney Vanerian said he could make the appropriate revisions and bring it back for second reading with the inserted item if that is Council's desire.

CM 9-4-19 MOTION TO APPROVE FIRST READING C-347-19 AN ORDINANCE TO AMEND CHAPTER 18 "BUSINESSES", OF THE CITY OF WALLED LAKE CODE OF ORDINANCES BY ADDING A NEW ARTICLE XII "RECREATIONAL MARIHUANA ESTABLISHMENTS" TO REGULATE AND REQUIRE LOCAL LICENSING OF RECREATIONAL MARIHUANA BUSINESSES AND ESTABLISHMENTS WITHIN THE CITY AS PROVIDED BY STATE LAW

Motion by Loch, seconded by Owsinek,

Discussion

Member Costanzo explained he has points of discussion on this ordinance specific to page 71, he has concerns of the requirements that allow the same location as a medicinal license holder can also include a recreational license holder. Member Costanzo said this could be construed that the City is designing this ordinance to benefit certain business existing in the City. Member Costanzo said this could create an appearance of impropriety in his opinion and having one business containing two licenses is creating a small monopoly in the market.

Mayor Ackley informed Council Member Costanzo that he was misguided, and that recreational marihuana can only be sold at medical marihuana facilities for the first two years. Mayor Ackley said it cannot be sold at a stand-alone operation.

Member Costanzo stated the attorney did not cover that.

City Attorney Vanerian supported Mayor Ackley's understanding of the laws by explaining to Council Member Costanzo that there are two levels of regulation. Mr. Vanerian explained there is local regulation and then state regulation. Mr. Vanerian explained in order to qualify for a state recreational license under the state rules the applicant has to qualify under the existing medical marihuana criteria.

Member Costanzo said as he understands, Mi State Prop 1 does not require it to be sold at a medicinal facility. Member Costanzo stated as fact that LARA has not written the rules yet. Member Costanzo asked if LARA's rules have been drafted and released to the public.

City Attorney Vanerian corrected the information provided by Council Member Costanzo by explaining that the rules are in place now and have been since July.

Member Costanzo opined the City is actively engaged in a lawsuit with serious allegations being made against the City in regards to marihuana and said, "I think doing anything around this before the City has resolution to that litigation would not be the most prudent thing to do." Member Costanzo said the City is putting itself back into the same situation.

City Attorney Vanerian explained the pending litigation will have high impact on the recreational. Mr. Vanerian explained the State is going to issue State licenses from what he has been told, beginning in December. Mr. Vanerian explained the medical facilities, the local communities had to opt in, which means they had to adopt an ordinance saying they are going to allow this. If nothing was acted on, the community essentially then prohibited medical facilities within its community. Mr. Vanerian explained the recreational facility use is opposite, if communities do not have an ordinance in place then the State will start making those decisions for them. Mr. Vanerian explained the State will be approving facilities in your community unless the community has adopted an ordinance that either says, we don't want them at all or if we will allow, we want to limit them in a certain way, by number and time, place, and manner. Mr. Vanerian explained the proposed ordinance he drafted allows the City to place some local limitations, it would not be at the sole discretion of the State.

Council Member Costanzo asked if the State requires recreational marijuana facilities to be at a medicinal marihuana establishment.

City Attorney explained the City cannot change what the State is or is not going to do, the act allows the City to limit the number of facilities.

Mayor Ackley explained her understanding and from her contacts with the State of Michigan, is that for the first two years, recreational marijuana will be sold only at medical facilities. City Attorney Vanerian explained the State will only be issuing recreational licenses to people who meet the criteria and who qualify under the medical marijuana regulations. Mr. Vanerian explained applicants have to be approved for medical marihuana in order to get approval for recreational.

Council Member Costanzo asked if the same criteria that is applied to the medicinal facility is applied to recreational.

Council Member Lublin said Council wants to limit the number of facilities. Member Lublin explained the November ballot initiative needs a vote of no.

City Manager Whitt opined that there could be 11 facilities total if the ballot initiative is passed.

Member Costanzo explained that he questioned page 72, section 18.404 regarding what qualifies as a consultant, "consultant reviews may be obtained" who the consultants are.

Member Costanzo moved to amend to not have any approvals of new facilities that tie to existing medical marijuana facilities. Motion died for lack of support.

City Attorney Vanerian explained the consultants who do reviews now are the city consultants such as the city engineer and city planner.

Member Costanzo explained his concerns about the annual operating fee and requested additional verbiage.

Member Costanzo moved to amend by adding the City reserves the right to increase the fees each year.

City Attorney Vanerian explained the law to Council Member Costanzo stating that Council Member Costanzo's proposal to increase fees each year is not allowed by laws as the fee is set by the State, the City cannot change the amount.

Mayor Pro Tem Owsinek called vote to question.

CM 9-5-19 CALLED VOTE TO QUESTION FOR APPROVAL OF FIRST READING OF C-347-19 TO APPROVE FIRST READING C-347-19 AN ORDINANCE TO AMEND CHAPTER 18 "BUSINESSES", OF THE CITY OF WALLED LAKE CODE OF ORDINANCES BY ADDING A NEW ARTICLE XII "RECREATIONAL MARIHUANA ESTABLISHMENTS" TO REGULATE AND REQUIRE LOCAL LICENSING OF RECREATIONAL MARIHUANA BUSINESSES AND ESTABLISHMENTS WITHIN THE CITY AS PROVIDED BY STATE LAW

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: To approve first reading of C-347-19 an ordinance to amend Chapter 18 "Businesses", of the City of Walled Lake Code of Ordinances by adding a new Article XII "Recreational Marihuana establishments" to regulate and require local licensing of recreational marihuana businesses and establishments within the city as provided by state law.

Roll Call Vote

Ayes (7) Owsinek, Robertson, Ambrose, Costanzo, Loch, Lublin, Ackley
Nays (0)
Absent (0)
Abstention (0)

City Attorney Vanerian explained the status of the litigation that was mentioned earlier. Mr. Vanerian explained there are two principle defendants in the case, the City, City elected officials, and employees that are named and a second defendant, the Green House. Mr. Vanerian explained all the parties to the litigation had filed motions asking that the claims asserted against

them de dismissed. The City and the Green House filed a motion for summary disposition. Mr. Vanerian explained all three motions were heard back in July. Mr. Vanerian explained the plaintiffs, in his opinion, was in anticipation realizing they were on shaky ground filed an amended complaint against the city to add an additional account of gross negligence.

City Attorney Vanerian explained that the courts found that the civil conspiracy claims concerning the Green House were faulty and defective and the case was dismissed. City Attorney Vanerian explained that if the Greenhouse as a defendant was thrown out by the judge the City most likely will be dismissed as well since one cannot conspire alone.

UNFINISHED BUSINESS:

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

City Manager Whitt explained the City Council placed him in predicament, he moved \$50,000 to pay the obligation of the trail expenditure. Mr. Whitt explained before he can be comfortable spending money in the future Council needs to act on this resolution tonight. Mr. Whitt explained the City is not out of trail, the people have embraced the trail, but what they have not embraced was the way it has been managed, and this is a different issue. Mr. Whitt explained the trail has always been part of the City's plans. Mr. Whitt explained there is not going to be a depot but there will be a trailhead the City will create on its own property. Mr. Whitt explained the City Council needs to embrace the trailway council

CM 9-6-19 MOTION TO APPROVE RESOLUTION 2019-2 A RESOLUTION TO WITHDRAW FROM THE COMMERCE, WALLED LAKE, AND WIXOM TRAILWAY MANAGEMENT COUNCIL

Motion by Owsinek, second by Robertson, DENIED: To approve resolution 2019-2 a resolution to withdraw from the Commerce, Wixom, Walled Lake Trailway Management Council.

Discussion

Council Member Lublin opined the vote of Council should be no on this resolution as this will destroy the resolution. Member Lublin opined the concept of removing from the trailway council was because the City of Walled Lake is only 10% of the population, 10% of the tax base yet we're paying 33% of the cost of the trail.

Mayor Ackley said the trailway agreement has not been amended yet.

Manager Whitt said the City is honoring the current agreement as that is the first obligation, to honor the contract. Manager Whitt explained the trail millage was voted down by the voters. Manager Whitt said the City has failed to maintain its leverage to renegotiate the current trailway agreement.

Council Member Ambrose explained the actual cost of the trail was substantially lower than estimated and the Federal amount was provided in full. Member Ambrose explained Director Scott discussed ongoing maintenance of the trail by all three communities after it is completed and that each community will be responsible for its own section.

Manager Whitt said the City is and always been for the trail and the Council's vote should be to vote down this resolution.

Member Costanzo said it is helpful to have a railway council to help with the financial stress.

Mayor Ackley said the City needs to see how the agreement is worked out.

Roll Call Vote

Ayes (0)

Nays (7)

Absent (0)

Abstention (0)

Robertson, Ambrose, Costanzo, Lock, Lublin, Owsinek, Ackley

2. Sidewalks and crosswalks

Council Member Costanzo expressed his concerns about the ADA sidewalks. Member Costanzo asked what is being done to address the safety.

Mayor Ackley explained to Member Costanzo the City Manager addressed this earlier.

Manager Whitt explained the City will deal with immediate threats, the City has improved sidewalks all throughout the City and will continue to fix the sidewalks. Manager Whitt explained again, there was a shift in funding of \$50,000 away from ADA sidewalks to address payments for trail expenditures.

3. City Sign Ordinance

Member Costanzo explained at the last meeting he handed a copy of court case, Town of Gilbert, to the City Attorney and he wanted to enter it into the record this evening. Member Costanzo opined he has concerns about political speech and free speech. Member Costanzo said he is getting calls that city employees are driving around the city and taking pictures of people's property and he asked who directed people from the city to take pictures in front of people's home?

City Attorney Vanerian explained in the Town of Gilbert opinion reported any type of a content-based sign ordinance or regulation potentially can run afoul of first amendment. Mr. Vanerian explained this is a concern when communities have a sign ordinance that regulates signs differently based on the content that's displayed on the sign itself such as political sign. Mr. Vanerian explained a political sign would probably be considered a content-based sign. Mr.

Vanerian explained in the case of Wagner vs Garfield Heights, a U.S. Sixth Circuit Court of Appeals opinion, this circuit court covers the State of Michigan and the court's decision did address political signs. Mr. Vanerian explained the Town of Gilbert case does not discuss a content neutral versus a content-based type of regulation whereas the Wagner opinion does. Mr. Vanerian explained someone had a political sign in front of home that was 16 square feet, the local ordinance that political signs were limited to 6 square feet but had a content neutral sign ordinance that applied to all signs that said signs cannot exceed 12 square feet. The court said the political sign ordinance because it is a content based regulation runs afoul of the first amendment but the other ordinance that is content neutral based regulation that says all signs cannot be more than 12 square feet does pass muster under the constitution and therefore that ordinance was upheld. The political sign of 16 square feet violated the ordinance.

Mr. Vanerian explained under the City's ordinances, it reads temporary signs are prohibited in residential zoning districts. That is a content neutral regulation. It is not in any way based on the content of the sign itself, it defines a temporary sign as that, it is not permanently affixed to the ground or structure. This applies to political signs, by nature political signs are temporary signs. Mr. Vanerian explained temporary signs are prohibited except as provided by the remainder of this ordinance and the political sign ordinance creates an exception saying that even though this is temporary sign that would otherwise be banned you can display it anyway subject to the limitations of the ordinances such as 30 days before the election and up to 10 days after. Mr. Vanerian explained it is a permissive rather than a restrictive ordinance it allows something that would otherwise be prohibited. Mr. Vanerian explained if it was found to be unconstitutional, the exception to the temporary sign prohibition would fail and what that means is that all political signs at all times would be banned all together in residential neighborhoods.

Manager Whitt said the ordinance will be enforced on public property. Mr. Whitt explained there is awareness that signs are out, the candidates took the signs to the property owners to display. Mr. Whitt explained no citations have been issued. Mr. Whitt explained there are numerous signs displayed right now. Mr. Whitt explained the City has a duty to assume the ordinance is valid until the courts strike it down. Mr. Whitt said there have been claims our ordinance is in violation. Mr. Whitt said the City is keeping track and opined there are people who have signs out now prior to the 30 days possibly because they believe they have special privileges.

Manager Whitt said any public right of way signs will be removed. Mr. Whitt explained the people who are giving the signs to place ahead of time and in improper locations should be the ones to work to change the ordinance, not violate the ordinance.

Member Costanzo said this should be addressed and opined this is an issue of free speech. Member Costanzo said political signs should not be banned, Council needs to amend this now.

Council Member Ambrose explained the City has an ordinance in place and if someone wishes to, they can challenge it in the courts.

Council Member Costanzo moved to amend local sign ordinance to not ban political signs on private property as it is protected free speech under the first amendment. Motion dies for lack of support.

NEW BUSINESS:

1. Proposed Resolution 2019-39 Ratifying the Agreement with the Walled Lake Fire Fighters Association

CM 9-7-19 MOTION TO APPROVE RESOLUTION 2019-39 A RESOLUTION RATIFYING THE COLLECTIVE BARGAINING AGREEMENT WITH THE MICHIGAN ASSOCIATION OF FIRE FIGHTERS (MAFF) ON BEHALF OF THE WALLED LAKE FIRE FIGHTERS ASSOCIATION BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2023 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: To approve resolution 2019-39 a resolution ratifying the collective bargaining agreement with the Michigan Association of Fire Fighters (MAFF) on behalf of the Walled Lake Fire Fighters Association beginning July 1, 2019 and ending June 30, 2023 and authorizing the City Manager to execute the agreement.

Roll Call Vote

Ayes (7) Ambrose, Costanzo, Loch, Lublin, Owsinek, Robertson, Ackley
Nays (0)
Absent (0)
Abstention (0)

2. Proposed Resolution 2019-40 Ratifying the Agreement with the Walled Lake Paid on Call and Part Time Fire Fighters

CM 9-8-19 MOTION TO APPROVE RESOLUTION 2019-40 A RESOLUTION RATIFYING THE COLLECTIVE BARGAINING AGREEMENT WITH THE MICHIGAN ASSOCIATION OF FIRE FIGHTERS (MAFF) ON BEHALF OF THE WALLED LAKE PAID ON CALL & PART TIME FIRE FIGHTERS ASSOCIATION BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2023 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

Motion by Loch, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve resolution 2019-40 a resolution ratifying the collective bargaining agreement with the Michigan Association of Fire Fighters (MAFF) on behalf of the Walled Lake Paid on

Call & Part Time Fire Fighters Association beginning July 1, 2019 and ending June 30, 2023 and authorizing the City Manager to execute the agreement.

Roll Call Vote

Ayes (7) Costanzo, Loch, Lublin, Owsinek, Robertson, Ambrose, Ackley
Nays (0)
Absent (0)
Abstention (0)

3. Proposed Resolution 2019-41 Lakes Area Youth Assistance

CM 9-9-19 MOTION TO APPROVE RESOLUTION 2019-41 A RESOLUTION APPROVING THE AGREEMENT WITH THE LAKES AREA YOUTH ASSISTANCE AGENCY FOR SERVICES PROVIDED JULY 2019 THROUGH JUNE 2020

Motion by Loch, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2019-41 a resolution approving the agreement with the Lakes Area Youth Assistance agency for services provided July 2019 through June 2020.

Roll Call Vote

Ayes (7) Loch, Lublin, Owsinek, Robertson, Ambrose, Costanzo, Ackley
Nays (0)
Absent (0)
Abstention (0)

City Manager Whitt explained the administrative negotiating team with the city attorney have negotiated for the first time the entire contracts independently. Mr. Whitt said this team did a great job. Mr. Whitt said with this team, the Council will not need a special labor attorney and he thanked the negotiating team.

COUNCIL COMMENTS:

Council Member Costanzo said the trail is moving along great.

Council Member Ambrose said for the record as far as labor relations attorney that was a yearly expense between a \$100,000 and \$300,000 a year, that attorney handled union negotiations, grievances, and any issue that handled employees. Mr. Ambrose said that expense is no longer incurred by the City based on the City Manager's performance and training of staff and administration.

Manager Whitt said prior to his arrival the City was paying a quarter of a million dollars in labor attorney fees. As of this time no fees are paid for a labor attorney.

Council Member Ambrose explained at the last council meeting, council candidate Mr. Greenwell's opined there were rumors flying around. Member Ambrose read from the minutes, "rumors flying around of nonsense of him being a disgruntled past employee." Member Ambrose said candidate Greenwell said he is available for questions; Member Ambrose opined this is not true. Member Ambrose said Candidate Greenwell denied he was a disgruntled past employee with the city, stating, "I was laid off and found a much better job in a larger city." Mr. Ambrose said since then it was brought to his attention that there was a website setup called Save Walled Lake. Mr. Ambrose said on this website you can find the police report and the incident report concerning candidate Mr. Greenwell. Mr. Ambrose said from what he found; Mr. Greenwell was originally fired for inappropriate sexual activities to other DPW employees. Member Ambrose explained there are numerous allegations that you can read. Mr. Ambrose said the comments are so egregious and disgusting and opined the majority of people would not be able to finish reading them. Member Ambrose said there are signed affidavits stating the statements are true. Mr. Ambrose explained Mr. Greenwell was then reinstated and that Mr. Greenwell said he was only suspended not fired. Mr. Ambrose explained there are statements that provide otherwise.

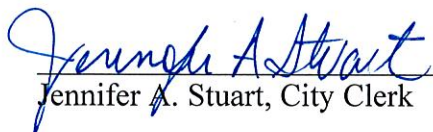
Audience members disrupted the meeting and Mayor Ackley requested order in the council chambers. Sergeant at Arms removed disorderly audience member.

MAYOR'S REPORT:

Mayor Ackley said she attended the trail gathering today and it was nice. The t-shirts were appreciated by the group. Mayor Ackley said thank you to Mr. Whitt, staff, and committee for the proposal regarding the public safety campus expansion design.

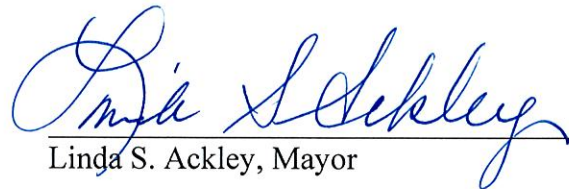
ADJOURNMENT

Meeting adjourned at 9:45 p.m.



Jennifer A. Stuart, City Clerk

Approved 10/15/19



Linda S. Ackley, Mayor