



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 19, 2017
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 Loch, Council Member Lublin, Council Member Owsinek, Council Member Robertson

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, Treasurer Barlass, City Attorney Vanerian, and City Clerk Stuart

REQUESTS FOR AGENDA CHANGES:

None

PRESENTATION:

1. Library Presentation by Director Alyson Lobert

Library Director Lobert said the Walled Lake City Library has been nominated by Congressman Dave Trott's office for the Institute of Museum and Library Services National medal which honors outstanding libraries and museums. Director Lobert said being nominated is a great honor and part of the application requests letters of support from organizations that the library is in partnership with so she is requesting a letter of support from Council.

CM 09-01-17 MOTION TO PROVIDE LETTER OF SUPPORT FROM THE CITY FOR THE LIBRARY AS PART OF THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES NATIONAL MEDAL

Motion by Ambrose, seconded by Lublin, UNANIMOUSLY CARRIED: To provide letter of support from the city for the library as part of the Institute of Museum and Library Services National Medal.

Director Lobert said the library has been focusing on adding more science technology, engineering and math programming and also establishing a butterfly curriculum. Ms. Lobert

explained that they will essentially raise butterflies in the library. Ms. Lobert said that there is a patron of the Library and Walled Lake resident, Ms. Jamie Lynch who has offered to volunteer her time to help this project, also the Friends of the Walled Lake Library have offered to dedicate a portion of their garden for release the butterfly's and the plantings will enhance the new patio area. Director Lobert said that the library would also like to partner with the city on this project so to help insure the success of the project, the library is requesting to plant in half of the storm water ditch area along Maple Road, native Michigan plants that are butterfly friendly. Director Lobert further stated that the library has already received a \$200 cash donation to purchase plants and that the Library Board President, Barb Garbutt, will assist with the outreach to the neighboring schools. She provided a list of plants from the Huron River Watershed that are butterfly friendly plants and native to Michigan.

Mayor Pro Tem Ambrose also suggested the creek alongside of the city property for plantings as well.

CM 09-02-17 MOTION TO INVESTIGATE SITES FOR THE BEST AREA FOR PLANTINGS AND BUTTERFLY HABITAT

Motion by Ambrose, seconded by Owsinek, UNANIMOUSLY CARRIED: To investigate sites for the best area for plantings and butterfly habitat.

APPROVAL OF THE MINUTES:

1. Regular Council Meeting of August 15, 2017

CM 09-03-17 APPROVE THE AUGUST 15, 2017 REGULAR COUNCIL MEETING MINUTES

Motion by Lublin, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve the August 15, 2017 Regular Council meeting minutes.

Roll Call Vote:

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

AUDIENCE PARTICIPATION:

Dan Lauffer, 1488 Dover Hill North – said he wanted to comment saying he can assure incumbent council members that when he wins the upcoming election that he will continue that process.

Mr. Lauffer said he was wondering about Riley Park and he keeps going down there because he likes the Banks house and would like to see it open. Mr. Lauffer said he spoke with some people

and some of them would be willing to volunteer to do some of the work and to pay somebody else for specialized work. Mr. Lauffer asked if there was anyone interested and who would work with if he were able to get the volunteers. Mr. Lauffer said regarding the Banks house, he said he is wondering if we will ever get to the point where we simply say ok enough is enough stalling. Mr. Lauffer asked that the city pay for the audit for the Banks house and said the books are wide open as far the volunteer organization because he is part of the organization and he knows how much the organization has. Mr. Lauffer said there will never be an official audit because the city is stalling for whatever reason.

City Manager Whitt asked Mayor for permission to respond. Mayor Ackley granted.

City Manager Whitt explained that he thinks that candidate Lauffer is now volunteering with the non-profit to collect money so he is close to the collection plate. Mr. Whitt explained that the city does not know why the nonprofit for the farmhouse has no money, further explaining that history tells us, they have collected thousands of dollars through the years. Mr. Whitt explained that he had spoken with cash donors who raised questions about the nonprofit finances as they had given \$5,000 checks and it is not accounted for even though an audit is required by the by-laws and the nonprofit rules.

Mr. Whitt said now that Mr. Lauffer is part of the non-profit organization he should know a little bit about audits. Mr. Whitt explained that the only people who have volunteered in the last seven years to physically work inside and volunteer to do work on the farmhouse are sitting council members. Mr. Whitt said he has never observed anyone other than the sitting council member to come on the weekends building anything, doing plaster or anything else. Mr. Whitt said that work has been done by council members before they ever ran for a council seat, they quietly worked on weekends without trying to get the open credit for it. Mr. Whitt explained that current city council members have been cash donors and the only recent volunteers for work on the farmhouse even though it is a non-profit. Mr. Whitt opined that there is no doubt that the responsibility of the farmhouse lies with the non-profit which has failed miserably as a non-profit. Mr. Whitt said he is the one who called out the audit process as the nonprofit has collected hundreds of thousands of dollars, so if Mr. Lauffer is now in control of the money, bring the city an audit. Mr. Lauffer disagreed that he had any responsibility as a member of the non-profit, with Mr. Whitt saying he did. Mr. Whitt stated to Mr. Lauffer, "You said you are part of the non-profit." Mr. Whitt told Mr. Lauffer the non-profit had failed in its mission and Mr. Lauffer is trying to shift the blame for this failure to the city. Mr. Whitt stated the non-profit was created to do what Mr. Lauffer is suggesting city council did not do. Mr. Whitt asserted that the only people who have been on site to volunteer are sitting here as members of city council, there are four of them. Mr. Whitt said the current council members volunteered their own time and money. Mr. Whitt explained that as a city council candidate, Mr. Lauffer is implying that his opponents who are incumbent council members failed to do something that was their responsibility "is just fake news."

Mr. Lauffer asked why he cannot get into to the farmhouse. City Manager Whitt replied that he does not know why, that Mr. Lauffer is the one who is in charge of the non-profit now.

City Manager Whitt stated that he resented that candidate Lauffer is turning this farmhouse non-profit failure into a political issue because Lauffer is a candidate.

Mr. Lauffer said when they attempt to get in the farmhouse they are told they are trespassing. Mr. Whitt stated he has never said anything like that to Mr. Lauffer. Mr. Whitt said Mr. Lauffer likes to make facts up. Mr. Whitt said he does not have a key to the farmhouse and that Mr. Lauffer needs to talk with others in the non-profit.

City Manager Whitt demanded that Lauffer give the city an audit of the nonprofit's finances, stating that now that Mr. Lauffer is in charge of the money provide the city with an audit because the non-profit has collected hundreds of thousands of dollars that have never been audited. Mr. Whitt emphasized that he has been manager for seven years and has not been able to get an audit from the non-profit.

As City Manager Whitt was responding to the audience participation of Mr. Lauffer, Council Member Helke shouted to the Mayor to "shut him down. He's is not even supposed to be responding to the audience." Mayor Ackley explained to Council Member Helke that City Manager Whitt had authority to speak at council meetings and she granted permission for him to respond to Mr. Lauffer's charges.

Mr. Lauffer said that members of the non-profit will be glad to know they have access to house. Mayor Ackley said she was the one who told non-profit members they should not go into the farmhouse because the individuals had no insurance coverage and because the non-profit had not provided the required audit.

City Manager Whitt said candidate Lauffer is misstating the facts about the farmhouse project, the Banks Dolbeer is a non-profit. Mr. Whitt said for the second time that Mr. Lauffer was misstating facts and it was now Mr. Lauffer's job to report to the audience where the money has gone for the last 20 years is now your job. Mr. Whitt opined that Mr. Lauffer was using the non-profit as a political tool to attack city administration. Mr. Whitt stated to candidate Lauffer, "You're full of fake news."

Mayor Ackley asked Council if they wished to allow Mr. Lauffer a few more questions. Council agreed. Mr. Lauffer asked the Mayor if she responded to Cheryl Flammer's recent email. Mayor replied yes.

Dennis Burks, 206 Spring Park – stated, "Who gave the order to remove the election signs off private property? It's a civil rights violation and it's stealing. There will be papers filed with Oakland County Police Station."

Mr. Burks said, "Why is L. Dennis Whitt, if that's his real name. The City Charter says Mr. Whitt has to live in the City of Walled Lake. Why does he not live in this City of Walled Lake?"

Mr. Burks said everything that goes on here at city hall, this is going to get real nasty in the next month. Mr. Burks said he was on the phone with Lansing at the Bureau of Elections, a lot of

interesting things, very interesting. Mr. Burks said anybody has any concerns about the election contact Lansing.

Mr. Burks asked, "Why is Gabriel Costanzo's name on the Zoning Board of Appeals, he is not on the Zoning Board of Appeals he declined that position after somebody tried to bribe him with other positions when he applied for the DDA."

Mr. Burks displayed a print out from a website, as far as the Election Commission on website lists terms expired 2015. Mr. Burks said he found something on website that says Jennifer. "Thank you more than useless as usual."

City Manager Whitt said no order has been given by the Police Chief's office or his office to remove any signs. Mr. Burks shouted from the audience, "Why were they removed then?" Mayor Ackley asked Mr. Burks to allow Manager Whitt to respond. City Manager Whitt said all the signs out right now on private property are in violation of the zoning code. Mr. Burks shouted an interruption stating, "Not on private property." Mayor Ackley informed Mr. Burks one more outburst and he would be removed from chambers. Mr. Burks stated, "I'll do you a favor" and he exited council chambers.

City Manager Whitt said the placing of the signs out before the permissible time is a zoning code violation although there are sixteen or seventeen sign locations. Mr. Whitt opined that those are violations and when you do not follow the rules it is simply an indicator of how your future activity is going to be. Mr. Whitt opined that putting a sign out and saying our code is illegal and without going to court and challenging it and having the court determine it is illegal is inappropriate. All the signs out now on private property are in violation of city code. Mr. Whitt said placing them on public property would be another violation. Mr. Whitt stated the sign ordinance exists for a reason and if it gets out of hand signs will be removed, however he said city staff had not been ordered to pick any of the signs. Mr. Whitt stated that no one who works for him was ordered to remove signs.

Mr. Whitt said that there was a report made by candidate Lauffer that somebody stole his sign, and Mr. Whitt opined that he did that to get attention, "look at me" and then posted on his social web page. Mr. Whitt explained then Mr. Lauffer told police the sign mysteriously reappeared. Mr. Whitt opined that it was all about getting attention. Mr. Whitt said if that works bless Mr. Lauffer's heart. Mr. Whitt said he hopes people recognize this for what it is, for what Mr. Lauffer really is – which is "fake news."

Mayor Ackley asked the City Attorney to respond to why the city cannot force any employee to live in the City of Walled Lake. City Attorney Vanerian said state law local residency requirements for city employees are not enforceable. City employees can live wherever they want.

City Manager Whitt said first the Charter does not require him, as a city manager, to live in the city. Mr. Whitt stated the fact is he lives under 4 miles from the front step of city hall and that he is in the city every single day of the week. Mr. Whitt stated he responds in minutes to every police call and fire scene that is necessary. Mr. Whitt said he is here in the city 24/7.

Mr. Whitt opined that those who imply that he is so far away from the city is nonsense, political non-sense and rhetoric. The Charter does not say he has to live in the city. He is not in conflict with the Charter or with the state law.

Ryan Woods, 111 Chestnut Ridge – said he has positive news. He said they had their neighborhood block party. He said the fire, police departments, council and mayor were invited. Some were able to attend. He said his neighborhood had a great time. The police and fire departments had a great time. It was exceptional. They were learning about the equipment. They had a great evening. Special thanks from his neighborhood to those that attended and they appreciate it.

COUNCIL CONSIDERATION:

1. Oath of Office administered to Fire Lieutenant Karl Brown

City Clerk Stuart provided ceremonial oath of office.

2. Oath of Office administered to Fire Lieutenant Mary Burd

City Clerk Stuart provided the ceremonial oath of office.

3. Oath of Office administered to Police Lieutenant Heather Kolke

City Clerk Stuart provided the ceremonial oath of office.

Mayor Ackley commented on Lieutenant Kolke's work ethic and her relationships with the schools. She is an outstanding example of city staff. She said this is a great group and provided a report on a run held this past weekend and the Walled Lake Police Department came in number one in contribution amounts. She said as mayor and a citizen of this town for 64 years, she is very proud. She said the departments are the best that they have ever been and she thanked Fire Chief Coomer and Police Chief Shakinias.

City Manager Whitt said there is more diversity in the history of Walled Lake than ever before. The City had the first female Mayor now the first female Fire Lieutenant and first female Police Lieutenant. Mr. Whitt refuted the idea that the city has a part time police department or part time fire department, as "non-sense and fake news." Mr. Whitt said the City has a full-time police department and fire department that is supplemented with professional part time officers. Mr. Whitt opined that "people are peddling misinformation for political purpose and are misstating the facts. They must be called out for this." Mr. Whitt said was proud of Fire Chief Coomer and Police Chief Shakinias and congratulated them in their movement towards diversity in their departments, promoting two female employees to Lieutenant.

Council recessed 8:10 p.m.

Council reconvened 8:17 p.m.

COUNCIL REPORT:

Council Member Lublin said at the library will be reorganizing the youth section. Mayor Ackley said under the new leader and the board, are really making strides forward.

Mayor Pro Tem Ambrose said there was a Lake Improvement Board meeting today. Everything is status quo. They will be doing an observation in the fall. There was a 30% tax assessment reduction. The lake has never been any cleaner and the oxygen depth has improved.

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

- a. Police**
- b. Fire**
- c. Code Enforcement**
- d. Finance**
 - Warrant Report #9-2017**
- e. Grant awards and application update**
- f. Ladd Road sidewalk final report**

CM 09-04-17 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS

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

Roll Call Vote:

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

Finance Director Coogan said they city has made it through the first process for storm water grant in the downtown area. This grant has 39 applicants it is the most the DEQ has ever had. The dollars can only be used on green infrastructure repair. Stage 2 will have results in a month and half. The City received tree grants from the Forestry Division. The Community Development Block Grant was increased and they will be working on a Park Improvement grant for next year.

Mayor Pro Tem Ambrose said the Lake Improvement Board also discussed that one of the worst areas is the Mercer Beach which is attributed others storm water running off the street with possible fertilizes used on lawns.

City Manager Whitt said he has received reports that candidates are passing rhetoric that somehow the city has failed by what's not getting done by the Lake Improvement Board and he

wanted to be clear city management does not operate the Lake Board but works in conjunction with them.

Mr. Whitt stated that part of the infrastructure change downtown will be to protect the lake as in years past everything was dumped into the lake and that the city works with the Lake Improvement Board to keep the lake clean, part of that is restructuring the underground downtown.

Mr. Whitt pointed out that the Lake Board is now a platform to create political issues, stating these attacks again, are “non-sense and fake news.” Mr. Whitt explained that the city does not make the calls in terms of treating the lake so when attacks are made on city administration because there was a fake fish kill and then putting bogus pictures out to sell your argument, they will be called out and that is what he is doing now.

Mayor Pro Tem Ambrose said it is a state statue of who sits on the board. It contains, Novi, Oakland County Water Resource Commission, and Walled Lake. He said he is the city representative and available to answer questions.

City Manager asked the council members if they were confused about his identity since he has severed as City Manager for seven years. Mr. Whitt asked if council members are concerned with where he lives. Mr. Whitt explained that every single council member has met with him on the weekends, Saturday and Sunday to have discussions. Mr. Whitt said the political rhetoric running up the pole to get some kind of spin and it is a “straight up lie.” Mr. Whitt said the Charter does not require the City Manager to live in the city and that he has lived in the same location for seven years.

Mr. Whitt said that the candidates are questioning his credentials to be a City Manager, yet there are candidates running for office who lie on their resume and about who they are and claim titles that do not exist. Mr. Whitt said he has taught law school, but that does not make him a lawyer; he has taught law school, yet that does not make him a professor; he has taught university classes yet that does not make him a professor. Mr. Whitt said he attends church, yet that does not make him a preacher or pastor. Mr. Whitt opined that if you do not have a church I don't believe that makes you a pastor.

Mayor Ackley said she received a thank you from the parents and children who benefited from the installation of the Ladd Road sidewalk.

Council Member Owsinek said along 14 Mile from corner of East Lake Drive to Decker Road, Novi is putting in an improved sidewalk all the way.

City Manager Whitt said he provided that exact same drawing of what work is now being done. Mr. Whitt said he had met with the prior City Manager of Novi and the approached the Public Works Department and it was denied at the time. Mr. Whitt said he and Mayor Pro Tem Ambrose had conversations with Novi to create this three to four years ago, it will aid to make a walkable community and it makes common sense to this.

CORRESPONDENCE:

None

ATTORNEY'S REPORT:

City Attorney Vanerian said he received communication last week from ITC about transmission lines and vegetation easements. ITC owns and maintains the high-power transmission lines. This condemnation case, involves the Taco Bell property. This property was developed under a CPD agreement with the City. Land issues have risen since ITC has taken the vegetation easement. As a result, there are non-conforming zoning issues concerning setback areas, greenbelt area, and the CPD agreement itself. The State's condemnation statute, ITC has an obligation to pursue to any nonconformities as a result of the condemnation. If ITC wants to negotiate a consent judgement and the city would have to be a party to that and address the land use issues. He is requested authorization from Council to negotiate a consent judgment in the case of ITC vs. Walled Lake Village LLC.

CM 09-05-17 MOTION TO INSTRUCT CITY ATTORNEY TO NEGOTIATE A CONSENT JUDGEMENT IN THE CASE OF ITC VS. WALLED LAKE VILLAGE, LLC

Motion by Ambrose, seconded by Lublin, UNANIMOUSLY CARRIED: To instruct City Attorney to negotiate a consent judgement in the case of ITC vs. Walled Lake Village, LLC.

DISCUSSION

Council Member Lublin asked for clarification of what they are asking for. City Attorney Vanerian said they are seeking just compensation.

Roll Call Vote

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

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

COUNCIL COMMENT

Mayor Pro Tem Ambrose said thank you to all the men and women of the Fire and Police Department, the personnel that support them and administrative staff.

MAYOR'S REPORT:

Police Chief Shakinis explained there is a resident using the island for personal parking. It is not meant for parking and is a safety hazard.

1. Mayor's order for proposed Traffic Control Order 17-10 No Parking – Shaw Street Island

CM 09-06-17 MOTION TO APPROVE TRAFFIC CONTROL ORDER 17-10 NO PARKING – SHAW STREET ISLAND

Motion by Ambrose, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve Traffic Control Order 17-10 No Parking – Shaw Street Island.

Roll Call Vote

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

2. Proposed Resolution 2017-68 Accepting Mayor's nomination to fill a vacancy on the Election Commission

City Manager Whitt said he first brought Mr. Lynn on board in 2016 and since then he has worked three city elections.

Mayor Ackley nominated Mr. Michael Lynn to the Election Commission.

CM 09-07-17 MOTION TO ACCEPT RESOLUTION 2017-68 THE MAYOR'S NOMINATION TO FILL A VACANCY IN THE OFFICE OF ELECTION COMMISSION PURSUANT TO THE REQUIREMENTS OF THE CITY CHARTER; MAKING THE APPOINTMENT OF MICHAEL LYNN TO THE OFFICE OF ELECTION COMMISSION FOR AN UNEXPIRED TERM


Motion by Ambrose, seconded by Lublin, UNANIMOUSLY CARRIED: To accept resolution 2017-68 Mayor's nomination to fill a vacancy in the office of Election Commission pursuant to the requirements of the City Charter; making the appointment of Michael Lynn to the office of Election Commission for an unexpired term.

Roll Call Vote

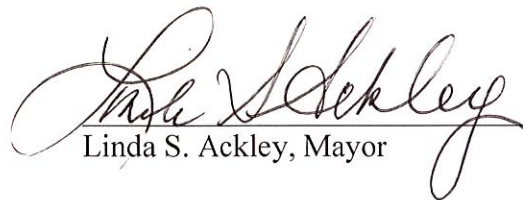
Yes (7) Robertson, Ambrose, Helke, Loch, Lublin, Owsinek, Ackley
No (0)
Absent (0)
Abstain (0)

Mayor Ackley said she attended the recent Parks and Recreation meeting, there was discussion of the Walled Lake Civic Fund and the fireworks show. There was confusion and she will be meeting with representatives and will report back to Council. The goal is to keep the firework show for future generations to come.

Meeting adjourned at 8:42 p.m.



Jennifer A. Stuart, City Clerk



Linda S. Ackley, Mayor