



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
AUGUST 21, 2012**

08-21-12

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

Pledge of Allegiance led by Mayor Roberts.

Invocation led by Mayor Pro Tem Ackley.

ROLL CALL: Mayor Roberts, Mayor Pro Tem Ackley, Council Member Ambrose, Council Member Owsinek, Council Member Sturgeon, Council Member Yezbick

ABSENT: Council Member Robertson

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

OTHERS PRESENT: City Manager Whitt, Deputy Treasurer Stuart, Police Chief Shakinas, Fire Marshal Coomer, Public Works Coordinator McGill, and City Attorney Vanerian

REQUESTS FOR AGENDA CHANGES:

City Manager Whitt informed the Council that Deputy Clerk Williams had a healthy baby boy. He requested that the Council appoint Deputy Treasurer Stuart as Deputy Clerk with limited authority for the purpose of the upcoming election while Deputy Clerk Williams is absent.

Mayor Roberts suggested his request be added as item number 2 of the City Manager Report.

CM 08-13-12 MOTION TO EXCUSE COUNCIL MEMBER ROBERTSON FROM TONIGHT'S MEETING DUE TO ABSENCE FROM CITY

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To excuse Council member Robertson from tonight's meeting.

APPROVAL OF MINUTES:

Mayor Roberts stated on page 3, Grace Scavone's name needed correction from Grave to Grace; and on page 5, Council Motion 8-10-12 did receive a second vote so the vote was unanimously defeated.

City Manager Whitt stated that was pointed out by Council Member Sturgeon prior to the meeting and amended minutes were before them. There was discussion prior to Council Motion 8-10-12 that explains how Council arrived at their decision; the amended minutes better reflects this. Mayor Roberts suggested the amended motion include "zero affirmative" votes.

CM 08-14-12 APPROVAL OF THE AUGUST 6, 2012 REGULAR COUNCIL MEETING MINUTES AS CORRECTED

Motion by Ackley, seconded by Sturgeon, CARRIED UNANIMOUSLY: To approve the August 6, 2012 Regular Council Meeting Minutes with corrections to page 3 and page 5.

AUDIENCE PARTICIPATION: None

COUNCIL CONSIDERATION:

1. Western Oakland Meals on Wheels Program

CM 08-15-12 APPROVE THE WESTERN OAKLAND MEALS ON WHEELS PROGRAM

Motion by Sturgeon, seconded by Ackley, CARRIED UNANIMOUSLY: To approve the Western Oakland Meals on Wheels Program.

2. Banner Request from the Drew Crew

CM 08-16-12 APPROVE THE BANNER REQUEST FROM THE DREW CREW FOR THEIR OCTOBER 6, 2012 5K EVENT

Motion by Owsinek, seconded by, Ackley CARRIED UNANIMOUSLY: To approve the Drew Crew Banner request.

MAYOR'S REPORT:

Mayor Roberts apologized for not having a written document for packet, his computer died. He reviewed his notes and commented on the success of this year's Beach Party. It was mentioned to have more kid friendly events next year. The Rotary Club was able to donate \$1,700 to Hospitality House this year. Next year to have further family related events. The Pet Awareness Day is scheduled for September 16, 2012 and Crystal Opalko is the principal City personnel contact. Dr. Hulscher's Dental was voted Business of the month for September 2012 by the Urban Design Committee. The 37th Market Day is scheduled for this Sunday, August 26, 2012 and Janell Joyce is working hard.

He commended City Manager Whitt for the coordination he has demonstrated with the DDA between City Hall and DDA staff.

COUNCIL REPORT:

Council Member Ambrose agreed and said it is important to have communication between the City and DDA. The businesses will benefit from this. He also requested someone be appointed to the Finance Audit Committee. He is getting pressed for his hours, especially during the construction, with staffing. He is asking that Council appointment an additional member to assist.

Also, he received an application from Steve Blair, business owner of O' Riley Auto Parts, requesting to become a member of the DDA board.

Mayor Roberts stated the position being replaced was held by a resident of the City, but he did not feel that it was specific to only residents.

Council member Owsinek recommended Council Member Sturgeon as a co-chair to the Audit Committee. Council member Ambrose agreed.

Mayor Pro Tem Ackley was concerned about adding a fourth member, the reason they had three was it was not considered a quorum, and posting of an agenda was not required if they decided to discuss that day. Council member Ambrose felt it was good policy to have all meetings posted. Mayor Pro Tem Ackley agreed.

Council Member Owsinek felt with the water audit being as extensive as it is, it would be a benefit to have a fourth person on the audit committee.

Discussion was held regarding increasing the audit committee to four members, the fourth member being Council Member William Sturgeon.

CM 08-16-12 TO APPOINT COUNCIL MEMBER STURGEON TO THE AUDIT COMMITTEE

Motion by Owsinek, seconded by Ackley, CARRIED UNANIMOUSLY: To appoint Council member Sturgeon to the Audit Committee.

CM 08-17-12 TO APPOINT STEVE BLAIR TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD

Motion by Ambrose, seconded by Owsinek, CARRIED UNANIMOUSLY: To appoint Steve Blair to the Downtown Development Authority Board.

MANAGER'S REPORT:

City Manager Whitt stated Fire Chief Van Sparrentak was at a conference and Fire Marshal Coomer was in his place. A DDA Promotion Committee meeting was held at the fire hall.

CM 08-17-12 MOTION TO RECEIVE THE MONTHLY DEPARTMENTAL STATISTICAL REPORTS

Motion by Ackley, seconded by Owsinek, CARRIED UNANIMOUSLY: To receive the monthly departmental statistical reports.

City Manager Whitt stated there was water main break Saturday morning on Osprey about forty homes were affected. It came in to police department 5:30 a.m. DPW was there to respond and, unfortunately, the City backhoe broke down the day before, so an independent contractor was called to make the repair.

Council member Yezbick asked how bad the condition of the backhoe was and if it's rebuildable. City Manager Whitt stated there is budget of \$95,000 to purchase a new one.

**CM 08-18-12 MOTION TO APPOINT DEPUTY TREASURER STUART AS
DEPUTY CLERK WITH LIMITED POWERS AND AUTHORITY**

Motion by Ackley, seconded by Owsinek, **CARRIED UNANIMOUSLY**: To appoint Deputy Treasurer Stuart as Deputy Clerk with limited powers and authority.

Council member Ambrose suggested placing information of the Wednesday, September 5, 2012 election on the water bill and monument sign to remind public election is on a Wednesday, not Tuesday.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

1. Wireless Communication

Attorney Vanerian introduced a legal update with an amendment to the Michigan Zoning and Enabling Act. The state law preempts local zoning approvals; however, it does not apply to the construction of new towers. If they wanted to add additional antennas or cabinets, they may do so without local approval.

UNFINISHED BUSINESS:

1. Second Reading of C-304-12 DDA Ordinance

City Attorney Vanerian said the draft ordinance in tonight's packet was presented at the last meeting. He has provided the requested amendments tonight. He said the added amendments create the office, it defines the duties and authorities of the office, and it implements the findings of the City Manger being the Executive Director of the Board.

He added an additional phrase to 26.29 which is reflective of what's in the current State Stau, which is; "No board member is able to hold the office Executive Director".

City Manager suggested making motion to amend with substitution.

**CM 08-18-12 TO APPROVE THE SECOND READING OF C-304-12 DDA
ORDINANCE TO INCLUDE SUBSTITUTION PRESENTED
TONIGHT**

Motion by Sturgeon, seconded by Ackley, **UNANIMOUSLY CARRIED**: To approve C-304-12 DDA Ordinance to include substitution as presented tonight.

NEW BUSINESS:

1. Traffic Control Order #12-09--Market Day

Police Chief Shakinis said there was an issue last year with notifying residents. He said letters will sent out tomorrow morning.

CM 08-19-12 TO APPROVE THE TRAFFIC CONTROL ORDER #12-09-MARKET DAY

Motion by Ackley, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve the traffic control order #12-09-Market Day.

2. Traffic Control Order # 12-10-Pet Awareness Day

Police Chief Shakinis stated he would like to change notice from 5:00 a.m. to 3:00 a.m. due to the dog pool coming in early for filling, which is time consuming. Also, the DDA requested that Market Street be closed from Liberty to Witherall.

CM 08-20-12 TO APPROVE THE TRAFFIC CONTROL ORDER # 12-10-PET AWARENESS DAY WITH AMENDMENTS OF TIME CHANGE AND CLOSURE OF MARKET STREET FROM LIBERTY TO WITHERALL

Motion by Ackley, seconded by Yezbick, UNANIMOUSLY CARRIED: To approve the traffic control order #12-10-Pet Awareness Day with amendments of time change and the closure of Market Street from Liberty to Witherall.

3. Police Request for Proposal for Air Conditioning Unit

Police Chief Shakinis stated the Police Department air conditioning system has died. He was told the system was there as early as 1980. Honeywell won't come in to repair it due to its age. Their proposal did not include removal and replacement of the current system. He is asking for approval to send out for RFP's. This is considered a qualifying expense through the Federal Forfeiture Fund.

CM 08-21-12 TO APPROVE THE REQUEST TO SEND OUT RFP'S FOR A NEW AIR CONDITIONING SYSTEM FOR THE POLICE DEPARTMENT

Motion by Ackley, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve request to send out RFP's for a new air conditioning system for the Police Department.

AUDIENCE PARTICIPATION: None

COUNCIL COMMENTS:

Council Member Owsinek - None

Council Member Sturgeon - None

Council Member Ambrose - None

Council Member Yezbick – None

Mayor Pro Tem Ackley stated she will be out of town for the September 4, 2012 meeting. She said there was a seminar on Monday concerning the State selling off mineral and oil rights. If anyone is interested, please let her know.

CM 08-22-12 BILLS FOR APPROVAL

Motion by Ackley, seconded by Yezbick, CARRIED UNANIMOUSLY: To authorize the Treasurer to make disbursements and transfers on Warrant #16-2012 in the amount of \$576,641.53 this being in the best interest of the City.

Meeting adjourned 8:10 p.m.

Jennifer Stuart, Deputy Clerk

William T. Roberts, Mayor