



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
JULY 15, 2014**

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 Robertson.

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

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

OTHERS PRESENT: City Manager Whitt, Police Chief Shakinis, Interim Fire Chief Coomer, Finance Director Coogan, Public Works Coordinator McGill, City Attorney Vanerian, Deputy Clerk Stuart, and Confidential Administrative Assistant Rodgers

REQUESTS FOR AGENDA CHANGES:

APPROVAL OF THE MINUTES:

CM 07-01-14 APPROVAL OF THE JUNE 17, 2014 REGULAR COUNCIL MEETING MINUTES

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve the June 17, 2014 Regular Council Meeting Minutes.

AUDIENCE PARTICIPATION: None

COUNCIL CONSIDERATION:

1. Swearing in of Police Officer Eric Pulaski

Police Chief Shakinis introduced Officer Eric Pulaski. He will be providing lake patrol for Walled Lake. Deputy Clerk Stuart provided the Oath of Office.

2. Clothing Recycling Program – RRRASOC

Mike Csapo, General Manager of RRRASOC, introduced Simple Recycling, which provides a clothing and household curbside recycling program to participants. Residents may participate at their own leisure. There is no cost to residents or City; the cost is covered by the value of the

material collected. It will be a weekly collection and the green bags are provided by Simple Recycling. He stated they have done pilot programs in Wixom and South Lyon, and they have been successful. He explained with Council's permission, they would provide authorization to RRRASOC to enter into agreement on the City's behalf with Simple Recycling and they will manage it on their end.

CM 07-02-14 MOTION TO AUTHORIZE RRRASOC TO ENTER INTO AGREEMENT ON CITY'S BEHALF WITH SIMPLE RECYCLING FOR THEIR CLOTHING AND HOUSEHOLD CURBSIDE RECYCLING PROGRAM

Motion by Ambrose, seconded by Owsinek, CARRIED UNANIMOUSLY: To authorize RRRASOC to enter into agreement on City's behalf with Simple Recycling for their curbside clothing and household recycling program.

3. 2014-2015 Winter Road Salt Bids

Public Works Coordinator McGill said the City participates in the Michigan Intergovernmental Trade Network and they awarded the salt bid to Detroit Salt Company. She explained that they still need each municipality's acceptance.

CM 07-03-14 MOTION TO APPROVE RECOMMENDATION FOR BULK ROAD SALT BID FOR THE 2014-2015 WINTER SEASON FROM DETROIT SALT COMPANY

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve the recommendation for bulk road salt bid for the 2014-2015 winter season from Detroit Salt Company.

4. Electronic Display Center

Police Chief Shakinis provided a PowerPoint presentation that included 4 bid proposals and scaled drawings of electronic sign displays. Discussion was held on warranties, maintenance, security, durability, and use of the sign. City Manager Whitt explained the sign would be purchased with Federal Forfeiture dollars-not resident tax dollars and if those funds are not spent within the given timeframe the funds default back to the federal government.

Council Member Loch said she understood the purchase of the sign would be from the Federal Forfeiture fund; however, there was a small audience at tonight's meeting, and she asked if there is way to spread public awareness that this sign is not being purchased by resident tax dollars.

CM 07-04-14 MOTION TO APPROVE ELECTRONIC DISPLAY CENTER BID FROM RAINBOW HI-TECH (DETROIT)

Motion by Owsinek, seconded by Yezbick, CARRIED UNANIMOUSLY: To approve electronic display center bid from Rainbow HI-Tech (Detroit).

5. Police Car Camera Replacement

Police Chief Shakinias stated there were two cameras purchased in 2008 that the department is having issues with and they are out of warranty.

**CM 07-05-14 MOTION TO APPROVE POLICE CAR CAMERA
REPLACEMENT BID FROM WATCHGUARD DIGITAL IN-CAR
VIDEO FOR \$4,620.00 (TWO UNITS \$9,240.00) PAID FROM
FEDERAL FORFEITURE FUNDS**

Motion by Robertson, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve police car camera replacement bid from WatchGuard Digital In-Car Video for \$4,620.00 (two units \$9,240.00) paid from Federal Forfeiture funds.

MAYOR'S REPORT:

1. WOCCCA ALTERNATE REPRESENTATIVE

Mayor Ackley stated the WOCCCA Board is in need of an alternate. She reported Council Member Sturgeon volunteered and she made nomination.

**CM 07-06-14 MOTION TO APPOINT COUNCIL MEMBER STURGEON AS
THE WOCCCA BOARD ALTERNATE**

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To appoint Council Member Sturgeon as the WOCCCA alternate.

Mayor Ackley said she has been approached by several residents about the August 5, 2014 Primary Election ballot proposal 14-1. She said she had spoken with Finance Director Coogan and asked that she provide a brief explanation.

Finance Director Coogan reported the proposal needs to pass for all the personal tax changes to take effect. The proposal does include a theoretical full reimbursement for lost revenue to those local units affected. The City of Walled Lake has a group of personal property tax holders that have a tax value of \$40,000 or less and have received immediate relief this tax year if they filed a timely exemption request. The immediate loss of personal property tax revenue this year for the City, Library and the DDA is \$42,000. The entire personal property tax revenue loss is estimated at \$292,000. The reimbursement comes from the "Use Tax". She provided a copy of a written report from the Citizens Research Council on this topic and will add a link to the article on the website.

Mayor Ackley commented that the fireworks were a good show and deserves to be commended.

Council Member Ambrose added that the Walled Lake Civic Fund was short on funds this year, so if everyone does enjoy the show, all the funding is from donations and they are necessary to have the firework displays continue.

COUNCIL REPORT:

Council Member Yezbick reported that at the last Parks and Recreation Commission meeting the Commission discussed promotion of the Walled Lake Concert Series by selling pizza and pop during the concerts. The Commission requested \$100.00 to purchase pizza and pop.

Council Member Loch suggested hosting the concerts at Sims Park she said it is a much larger venue.

CM 07-07-14 MOTION TO PROVIDE \$100 TO THE PARKS AND RECREATION COMMISSION FOR PIZZA AND POP SALES FOR CONCERT SERIES

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To provide \$100 to the Parks and Recreation Commission for pizza and pop sales for concert series.

Council Member Ambrose said due to lack of quorum, the July 8, 2014 DDA meeting was cancelled.

CITY MANAGER'S REPORT:

1. Monthly Departmental Statistical Reports

CM 07-08-14 MOTION TO RECEIVE MONTHLY DEPARTMENTAL STATISTICAL REPORTS

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

CORRESPONDENCE: None

ATTORNEY'S REPORT:

1. Proposed East Bay Village Deed Amendment to Planned Unit Development Agreement (PUD)

City Attorney Vanerian stated this proposed amendment seeks to expand the current East Bay Village bylaws to allow docking and mooring of all boats. He explained under current bylaws and Planned Unit Development (PUD) conditions with the City, the dock use is limited to non-motorized watercraft only. The Zoning Ordinance specifies, in order to amend original PUD, applicants must go to the Planning Commission for review and recommendation for their proposal to go back to City Council for action. He recommended referring the amendment to the Planning Commission for review and recommendation.

CM 07-09-14 MOTION TO REFER EAST BAY VILLAGE DEED AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT TO THE

**PLANNING COMMISSION FOR DISCUSSION AND POSSIBLE
SCHEDULING OF PUBLIC HEARING**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To refer East Bay Village deed amendment to Planned Unit Development agreement to the Planning Commission for discussion and possible scheduling of public hearing.

City Attorney Vanerian reported on the discussions of the Planning Commission's review of the Liquor License Commission's new policy for transfers of a liquor license that do not require local review. The Planning Commission made recommendation to City Council to amend the Zoning Ordinance, C-3 - Central Business District to allow restaurants, bars, and taverns/lounges serving alcohol as a Special Land Use approval. The C-2, General Commercial District already permits restaurants and the Commission will be reviewing all the text amendments for final recommendation back to Council.

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Resolution 2014-27 Oakland County Solid Waste Plan Amendment

Public Works Coordinator McGill said Oakland County needs to amend their plan to allow Rizzo Properties, LLC to create a transfer and process facility for solid waste.

**CM 07-10-14 MOTION TO APPROVE RESOLUTION 2014-27 OAKLAND
COUNTY SOLID WASTE PLAN AMENDMENT**

Motion by Owsinek, seconded by Yezbick, CARRIED UNANIMOUSLY: To approve resolution 2014-27 Oakland County Solid Waste Plan Amendment.

2. Resolution 2014-28 West Nile Virus Reimbursement

**CM 07-11-14 MOTION TO APPROVE RESOLUTION 2014-28 WEST NILE
VIRUS REIMBURSEMENT**

Motion by Robertson, seconded by Yezbick, CARRIED UNANIMOUSLY: To approve Resolution 2014-28 West Nile Virus Reimbursement.

3. Resolution 2014-29 Solid Waste, Recycling and Compost Consumer Fees

Finance Director Coogan stated the resolution was brought before Council at previous meetings and further information has been provided at the request of Council.

**CM 07-12-14 MOTION TO APPROVE RESOLUTION 2014-29 SOLID WASTE,
RECYCLING AND COMPOST CONSUMER FEES**

Motion by Robertson, seconded by Owsinek

Council Member Sturgeon asked if the chipping fee was spread to everyone. He lives within a condominium complex and they do not utilize the City's chipping service.

Mayor Ackley said she felt the chipping fee was not appropriate and she does not agree with it.

Discussion was held on eliminating the chipping service fee and alternative services for branch removal. City Manager Whitt said the document was a draft. There is no problem with removing item number 4. Striking that charge does stop the service and it will continue until resources are no longer available.

Mayor Pro Tem Robertson called motion to question.

Roll Call Vote:

Yes: (3) Loch, Owsinek, Robertson
No: (4) Ambrose, Sturgeon, Yezbick, Ackley
Absent: (0)
Abstain: (0)

(4-3) MOTION FAILED

CM 07-13-14 MOTION TO RECONSIDER RESOLUTION 2014-29, STRIKING THE MONTHLY CHIPPING SERVICE FEE

Motion by Sturgeon, seconded by Ambrose

Roll Call Vote:

Yes: (5) Loch, Sturgeon, Yezbick, Ambrose, Ackley
No: (2) Owsinek, Robertson
Absent: (0)
Abstain: (0)

(5-2) MOTION CARRIES

4. Resolution 2014-30 Chief Deputy Clerk for Elections

City Manager Whitt said, by Charter, any officer appointed is required to have Council's approval.

CM 07-14-14 MOTION TO APPROVE RESOLUTION 2014-30 APPOINTING JENNIFER STUART AS CHIEF DEPUTY CLERK FOR ELECTIONS

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve Resolution 2014-30 appointing Jennifer Stuart as Chief Deputy Clerk for Elections.

5. Resolution 2014-31 Deputy Clerk for Elections

**CM 07-15-14 MOTION TO APPROVE RESOLUTION 2014-31 APPOINTING
CHELSEA RODGERS AS DEPUTY CLERK FOR ELECTIONS**

Motion by Owsinek, seconded by Yezbick, CARRIED UNANIMOUSLY: To approve Resolution 2014-31 appointing Chelsea Rodgers as Deputy Clerk for Elections.

6. Proposed Resolution 2014-32 Sushi Den Liquor License Application

7. Proposed Resolution 2014-33 Jeff's Kitchen Liquor License Application

City Manager Whitt stated there are three liquor license requests on tonight's agenda and he explained the applicants need to have a resolution from City Council to submit with their liquor license application to the State.

Mayor Ackley asked if the changes the Planning Commission is promoting would affect these applicants. City Attorney Vanerian replied yes. Currently, one applicant is not in the proper zoning district and serving of alcohol is not permitted at all. The other two are in a permitted district for serving alcohol. The proposed text amendments would require Special Land Use approval.

Mayor Ackley asked if Council approved these resolutions tonight, would that not defeat what direction they gave to the Planning Commission. City Attorney Vanerian said the proposed changes to the Zoning Ordinance were prompted by the new language for transfer liquor licenses. The applicants are requesting a new liquor license. He stated one of the applicants provided research that there is one new liquor license available within the City. If Council approved the resolutions, only one would potentially receive a license.

City Attorney Vanerian said he reviewed the administrative rules of the Liquor Control Commissions review requirements. He said he felt it is a comprehensive review of the applicant's business representation, moral character, order of which application came in, tax evasion inquiry, felonies, general health, safety, and general welfare of public, etc.

**CM 07-16-14 MOTION TO TABLE PROPOSED RESOLUTION 2014-32
SUSHI DEN AND PROPOSED RESOLUTION 2014-33 JEFF'S
KITCHEN UNTIL NEXT MEETING FOR FURTHER
INFORMATION TO BE PROVIDED FROM CITY
DEPARTMENTS**

Motion by Robertson, seconded by Sturgeon, CARRIED UNANIMOUSLY: To table proposed Resolution 2014-32, Sushi Den liquor license application and proposed Resolution 2014-33, Jeff's Kitchen liquor license application until next meeting for further information to be provided by City Departments.

8. Proposed Resolution 2014-34 Blue Bliss Liquor License Application

**CM 07-17-14 MOTION TO DENY PROPOSED RESOLUTION 2014-34, BLUE
BLISS LIQUOR LICENSE APPLICATION DUE TO THE C-3
ZONING DISTRICT NOT BEING ZONED FOR LIQUOR SALES**

Motion by Owsinek, seconded by Sturgeon, CARRIED UNANIMOUSLY: To deny proposed Resolution 2014-34, Blue Bliss liquor license application due to C-3 zoning district not being zoned for liquor sales.

9. First Reading C-315-14 Text Amendments to C-3 Zoning District

City Attorney Vanerian stated he had discussions with the City's Planning Consultant and there are defined lists of criteria outlined for Special Land Use approvals. The Planning Commission needs to develop a list of criteria for reviewing applications requesting to serve alcohol in the C-3 and C-2 zoning districts and he recommended not to have the first reading until those criteria are developed by the Planning Commission and referred back to City Council for approval.

City Attorney Vanerian explained what prompted the text amendment proposals was the Liquor Control Commission ruling on transfer liquor licenses; which eliminated the local review and approval requirement for transfer liquor licenses. However, the local review is still in effect for new licenses, which is what these applicants are trying to do.

Council Member Owsinek asked if there was an issue with tabling the item until the Planning Commission conducted their review. City Attorney Vanerian said the Planning Commission did not take any action on the C-2 text amendments at their last meeting and they will be reviewing them again at their next meeting.

**CM 07-18-14 MOTION TO TABLE FIRST READING C-315-14 TEXT
AMENDMENTS TO C-3 ZONING DISTRICT UNTIL NEXT
MEETING**

Motion by Owsinek, seconded by Sturgeon, CARRIED UNANIMOUSLY: To table approve first reading C-315-14 Text Amendments to C-3 Zoning District until next meeting.

10. First Reading C-316-14 In Home Sales Amendments

City Attorney Vanerian reviewed changes which included shortening the length of time in between sales from 45 to 30 days that way all three sales possibilities could be conducted during summer months and the addition of permitted signs from four to five.

Discussion was held about creating a uniform garage sale package for residents.

Council Member Ambrose moved for approval.

**CM 07-19-14 FIRST READING C-316-14 IN HOME SALES TEXT
AMENDMENTS**

Motion by Ambrose,

Motion dies due to lack of second. No change to ordinance.

11. First Reading C-317-14 Sign Ordinance Amendment – Temporary Signs

City Attorney Vanerian said the proposed ordinance changes the sign amount from four to five.

**CM 07-20-14 FIRST READING C-317-14 SIGN ORDINANCE AMENDMENT –
TEMPORARY SIGNS**

Motion by Robertson, seconded by Sturgeon, CARRIED UNANIMOUSLY: To approve first reading C-317-14 Sign Ordinance Amendment – Temporary Signs.

12. Traffic Control Order 14-06 Market Day

**CM 07-21-14 MOTION TO APPROVE TRAFFIC CONTROL ORDER 14-06
MARKET DAY**

Motion by Sturgeon, seconded by Yezbick, CARRIED UNANIMOUSLY: To approve Traffic Control Order 14-06 Market Day.

AUDIENCE PARTICIPATION:

Mary Beth Novitsky, 138 Sandy Lane – thanked Council for consideration of the proposed amendment to the East Bay Village Master Deed.

Salam Rabban, 209 E. Walled Lake Drive – stated he was one of the liquor license applicants and he was denied. He said he opened his business in the City two years ago and he renovated the building inside and outside. He said they hire residents from the City. He said he felt the downtown area was a tourist area and he has spoken with people who walk along the beach area and was told they like his idea. He said he is proposing a new style restaurant for social gatherings.

Mayor Ackley explained proposed Resolution 2014-34 Blue Bliss Liquor License Application could not be approved because the zoning ordinance does not permit that type of use within the zoning district.

Seiichi (George) Shokinji, 127 Lake Village, owner of Suhsi Den introduced himself. Mr. Caleb Shung, 49357 Pontiac Trail – spoke on behalf of Sushi Den's Liquor License application. He said he is from the law firm who prepared their application. He said he understands the requirement of local review and inspection. He said he is personal friends with the applicant and stated he personally believes in the applicant and knows family very well.

Denise Hewitt, 1149 Eddie – asked if the garage sale ordinance was not passed, would Council permit rain days. She said she called the City five weeks in a row about a resident hosting a sale and nothing was done about it. She said she provided pictures to the City. She asked about directional signs within her subdivision. Mayor Pro Tem Robertson said no changes took place and the ordinance stands as is.

Sue Helke, 1361 Shaw – she said she wants to play devil’s advocate and asked if Salvation Army was a tax payer in Walled Lake. She said she felt Council voted in major competition when they approved Simple Recycling to come into the City. She said they already are in Wixom and they collect items that are donated to Salvation Army. She said she hates to see merchandise being removed from Salvation Army. She said she approved of Council Member Yezbick’s request for \$100 for the Parks and Recreation Commission; she said she felt that money has a high probability of being recouped during the sales. She said she has wondered for years why the City does not place the wood chipper in one location and have the items brought to them for chipping.

COUNCIL COMMENTS:

Council Member Loch thanked the DPW for their hard work on the storm clean up.

Council Member Owsinek - None

Council Member Sturgeon - None

Council Member Ambrose - None

Council Member Yezbick - None

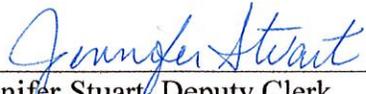
Mayor Pro Tem Robertson - None

Mayor Ackley - None

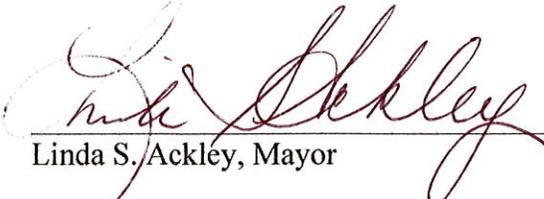
CM 07-21-14 BILLS FOR APPROVAL

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To authorize the Treasurer to make disbursements and transfers on Warrant #08-2014 in the amount of \$435,536.27 this being in the best interest of the City.

Meeting Adjourned at 9:40 p.m.



Jennifer Stuart, Deputy Clerk



Linda S. Ackley, Mayor