



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
JUNE 17, 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 Shakinias, Interim Fire Chief Coomer, Finance Director Coogan, Public Works Coordinator McGill, Deputy Finance Director Jaganjac, City Attorney Vanerian, Deputy Clerk Stuart, and Confidential Administrative Assistant Rodgers

Mayor Ackley stated she and Council Member Ambrose were in attendance at the Lakes Area Homeowners Association (LAHA) meeting prior to tonight's meeting. Council Member Ambrose is still there and will be late to tonight's council meeting.

CM 06-01-14 MOTION TO EXCUSE COUNCIL MEMBER AMBROSE DUE TO ATTENDANCE AT LAHA MEETING

Motion by Sturgeon, seconded by Loch, CARRIED UNANIMOUSLY: To excuse Council Member Ambrose due to attendance at LAHA meeting.

PUBLIC HEARING

1. 2015 Fiscal Year Budget Appropriations

Open Public Hearing 7:37 p.m.

City Manager Whitt explained this is a second public hearing to provide for any further public comment.

Finance Director Coogan provided a recap of the budget presentation *Reinventing Walled Lake*. She provided a synopsis of the City's past, present, and future financial achievements, deficits, and goals.

Even with the City Administration's conservative efforts of restructuring, reorganizing, capitalization of Drug Forfeiture Funds and employee concessions, the City cannot sustain the existing or its equivalent services while still in a structural deficit.

There are two types of deficits: Budget Deficit - when a government spends more in a single year than it receives, but it has a planned use of reserves to accomplish a onetime city service and Structural Deficit - when the budget deficit exists on a long-term basis; the expenditures are greater than the revenues and those revenues are not going in increase.

The taxpayers are paying less in 2015 for the same services they received in 2007. In 2007, taxpayers were paying \$3.9 million in City property tax revenues while the 2015 projected revenue is \$2.3 million. The City receives 38.9% of each residential tax dollar – the balance is paid to the county, schools, etc. The City is receiving \$1.5 million less each year while providing the same City services.

*Council Member Ambrose Arrived 7:51 p.m.

Walled Lake taxpayers are paying less for two reasons: the property taxes are lower and the millage rate is lower. Michigan's property tax is broken down into three categories: True Cash Value (TCV), Assessed Value State Equalized Value (SEV), and Taxable Value (TV). The SEV and TV are the same at the time when the property transfers hands; that is the last time they will be the same. As home values go up, the TV does not go up in the same manner. The TV increases by the lesser of 5% or the Consumer Price Index (CPI).

Taxpayer property is now starting to recover and the TCV will do so at a market rate. The State of Michigan has a formula to calculate the City millage. The State will reduce the millage by the tax value increase if it exceeds inflation. As property tax values *increase*, the millage *decreases*. But, as property tax value *decreases*, the tax millage remains the same. There is no process in place to reverse this.

Only an interjection by the voter can reset the millage and recover the loss. City Council and Administration have put a millage increase vote to the people. The August 5, 2014 Primary ballot contains two proposals: one to renew the expiring library millage and the second to restore the lost revenue to the City's Public Safety Department to almost 2010 levels.

The City cannot continue drawing on reserves to provide resident services. The City needs to either reduce services or increase revenue.

City Manager Whitt stated City Council is giving voters an opportunity. If the millage does not pass, the proposed budget does address the "no" vote option.

DISCUSSION:

Sue Helke, 1361 Shaw – she is the first to admit that she does not know all. She gathers her information from attending the meetings and what she reads in the paper. She has seen cuts in the Police Department. But, she has also seen Council vote to give \$3,000 to the Lakes Area Youth Assistance and purchase a Jaws of Life machine for large amounts of money. She asked how many accidents have occurred to push the purchase of this equipment. She said a couple of years ago; Council approved a huge raise to the City Manager and since then has hired an

assistant financial person with an approximate \$40,000 salary. She asked what does Council do with income that is not disposable. She questions what will be cut - police officers or the chipping services. She felt there are a lot of people struggling in this town. Once in a while, she would like to see something be done consisting of *“maybe we should postpone this for a year because we really cannot not do it at this time”*.

CM 06-02-14 MOTION TO CLOSE PUBLIC HEARING AT 8:12 P.M.

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To close the public hearing at 8:12 p.m.

REQUESTS FOR AGENDA CHANGES:

Mayor Ackley requested to move the New Business Items #1 and #2 under Council Consideration as #1 and #2 and move Capital Purchase of Financial Software for Building Department as #3.

Council Consideration #1, Swearing in of Reserve Police Officer, was placed on hold due to his absence from tonight's meeting.

APPROVAL OF THE MINUTES:

CM 06-03-14 APPROVAL OF THE MAY 6, 2014 SPECIAL COUNCIL MEETING MINUTES, MAY 6, 2014 REGULAR COUNCIL MEETING MINUTES, AND THE MAY 19, 2014 SPECIAL COUNCIL MEETING MINUTES

Motion by Ambrose, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve the May 6, 2014 Special Council Meeting Minutes, May 6, 2014 Regular Council Meeting Minutes, and the May 19, 2014 Special Council Meeting Minutes.

AUDIENCE PARTICIPATION:

Mary Beth Novitsky, East Bay Village, LLC – said she is from the East Bay Village Condominium Association. They are here tonight trying to move forward to facilitate their request for permission to have motorized watercraft along their dock. They are asking for 26 boat slips based on frontage of their land. They are here to get a better understanding of what they need to do to have this happen this year. They have 210 active units and 315 feet of frontage along the lake. They will entertain whatever Council gives them to work with.

Mayor Ackley referred to City Attorney Vanerian. He said received an amendment outlining the concept presented this evening. He will prepare a memo for the next meeting.

Council Member Robertson said there are two different issues to address; the amendment to the Master Deed and an amendment to the CPD agreement with City.

1. **Denise Hewitt – request waiver on and amendment to ordinance C-282-10, In Home Sales**

Denise Hewitt, 1149 N. Eddie – said she is here again for a second time before Council because no one in the City told her what steps she needed to do to have her issue addressed. She asked why the City can't go back to the way it was before. Why does the Code Enforcement Officer pick on her? Why is the City letting a 90 year old man run the City? Is it the actual garage sale or the person throwing it? She wants to go back to the old rules. It's not a business for her; she wants to have it when she wants it. It is bad economy; let people have their garage sales. She has had it up to here with the picking on of her from the Code Enforcement Officer. She said if she didn't come here to tell the City this information, no one would know. This is her hobby; other people play golf, or boat, etc. She said the City listens to one person and the City lets one person run the City. She said if she doesn't get the old rules back, she will take it further. She said we are the only community that has this regulation. She has had several conversations with other people and this has got to stop. Oscar Leaser has poisoned her neighborhood.

Tommy Levine, West Bloomfield – said he has been with Ms. Hewitt for 37 years. He said when people plan to do a garage sale, and the weather is bad, the current ordinance needs to be reviewed to address the bad weather days. He said if it is rained out, you should be able to reschedule it. He feels that Code Enforcement Officer Rondeau is out for her.

Mayor Ackley said we are not the only community who has this ordinance. The City reviewed other communities' ordinances to draft our own. The sign ordinance is in place for a reason. She said Council created this ordinance for a reason; your home is not the place to do sales. This is one of the reasons why this ordinance is in place.

City Manager Whitt said there is an issue at hand. It is not the issue to discuss people who do enforcement, etc. it's not appropriate. He suggested Council make a motion to instruct the City Attorney to draft an amendment or repeal it. The discussion should not be about those who enforce the ordinances.

Council Member Robertson said he is inclined to leave it as it is. In his view those types of sales are in a residential area. Garage sales for most people are held to get rid of stuff in the attic, garage, etc. If you are bringing in stuff in to sell at your garage sale, you're running a business.

Council Member Ambrose said he did not have a problem with a remedy for rain days. If we have a weekend when weather is bad, can it be addressed administratively. Council Member Loch agreed.

Mayor Ackley stated the ordinance was in place so people did not have to come to City Hall and register for their sales. Administration did not want to have to regulate in that regard.

Council Member Sturgeon also agreed and said he did not see a problem with a rainy day policy. It seems reasonable to him. Council Member Yezbick agreed.

CM 06-04-14

**MOTION TO INSTRUCT CITY ATTORNEY TO DRAFT
AMENDMENTS AS PER DISCUSSION FROM TONIGHT'S
MEETING TO PRESENT BACK TO COUNCIL FOR REVIEW**

Motion by Ambrose, seconded by Yezbick, CARRIED UNANIMOUSLY: To instruct City Attorney to draft amendments as per discussion from tonight's meeting to present back to Council for review.

COUNCIL CONSIDERATION:

1. Resolution 2014-18 Summer 2014 Millage Request and Tax Levy

**CM 06-05-14 MOTION TO APPROVE RESOLUTION 2014-18 SUMMER 2014
MILLAGE REQUEST AND TAX LEVY**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2014-18 Summer Millage Request and Tax Levy.

2. Resolution 2014-19 General Appropriation Act 2014-2015

**CM 06-06-14 MOTION TO APPROVE RESOLUTION 2014-19 GENERAL
APPROPRIATION ACT 2014-2015**

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve Resolution 2014-19 General Appropriation Act 2014-2015

3. Capital purchase of financial software for building department

**CM 06-07-14 MOTION TO APPROVE THE CAPITAL PURCHASE OF
FINANCIAL SOFTWARE FOR BUILDING DEPARTMENT**

Motion by Owsinek, seconded by Sturgeon, CARRIED UNANIMOUSLY: To approve the capital purchase of financial software for building department.

MAYOR'S REPORT:

Mayor Ackley stated she and Council Member Ambrose attended a Lakes Area Homeowners Association (LAHA) meeting prior to tonight's Council meeting. Mr. Gerald Anderson is the President of LAHA and he had said the lake board special assessment will be expiring in a year. He invited the members of Council and the lake board to meet to discuss what has been done to improve and diminish the weed issue in the lake. Council Member Ambrose said, unfortunately, he and Mayor Ackley had to leave prior to the adjournment of the meeting to attend tonight's Council meeting.

Mayor Ackley said Tracy Soltis has resigning from Zoning Board of Appeals, Parks and Recreation and WOCCCA. She nominated Richard Gunther to the Zoning Board of Appeals and Gabriel Costanzo to the Parks and Recreation Commission.

**CM 06-08-14 MOTION TO ACCEPT NOMINATION AND APPOINT RICHARD
GUNTHER TO THE ZONING BOARD OF APPEALS**

Motion by Owsinek, seconded by Sturgeon, CARRIED UNANIMOUSLY: To accept nomination and appoint Richard Gunther to the Zoning Board of Appeals.

**CM 06-09-14 MOTION TO ACCEPT NOMINATION AND APPOINT GABRIEL
CONSTANZO TO THE PARKS AND RECREATION
COMMISSION**

Motion by Yezbick, seconded by Ambrose, CARRIED UNANIMOUSLY: To accept nomination and appoint Gabriel Costanzo to the Parks and Recreation Commission.

Mayor Ackley said Ms. Soltis was also a member of WOCCA. The board has quarterly meetings unfortunately, it is late to appoint someone to the board. She volunteered to attend the remainder of the meetings.

Mayor Pro Tem Robertson said he is inclined to accept the Mayor's offer to attend the remainder of the WOCCA meetings on the City's behalf.

**CM 06-10-14 MOTION TO ACKNOWLEDGE AND ACCEPT MAYOR
ACKLEY'S OFFER TO ATTEND THE REMAINDER OF THE
WOCCA MEETINGS ON BEHALF OF THE CITY**

Motion by Robertson, seconded by Ambrose, CARRIED UNANIMOUSLY: To acknowledge and accept Mayor Ackley's offer to attend the remainder of the WOCCA meetings on behalf of the City.

COUNCIL REPORT: None

CITY MANAGER'S REPORT:

1. Monthly Departmental Statistical Reports

**CM 06-11-14 MOTION TO RECEIVE MONTHLY DEPARTMENTAL
STATISTICAL REPORTS**

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

2. Planning Commission restaurant regulation recommendations

City Manager Whitt said these recommendations were submitted to the City Manager's office. The Planning and Building department's directorship was directed to the Public Works Department. Over time, positions have changed, and it currently is being guided by the City's Planning Consultant.

Mayor Pro Tem Robertson said the recommendations were specific to the properties down by the lake in the C-3, Central Business District zoning. He said currently restaurants and/or restaurants serving liquor are not a permitted use in C-3. The Planning Commission has been reviewing the zoning and recent changes made by the Liquor Control Commission. They recommended the C-3 district be permitted to serve alcohol with a Special Land Use approval. He said for example, if he were to buy a liquor license and transfer into the City, the Liquor Control Commission reviews and approves; the City is hands off. However, with the recommendation of a Special Land Use approval, the City's input is required.

He said the Planning Commission wants to do something similar in the C-2, General Commercial District as well. The Commission is trying to adjust to the Liquor Control Commissions new regulations, in particular, to the liquor license transfers. The Planning Commissions requested City Council review and make recommendations back to them before they move forward on any text amendments to the Zoning Ordinance.

City Attorney Vanerian stated the Planning Commission has had public hearings regarding proposed changes. He said a local liquor license ordinance focuses on applicant versus local zoning ordinance via Special Land Use, which reviews if the business is a good fit to the area.

CM 06-12-14 MOTION TO RECOMMEND TO PLANNING COMMISSION THAT THEY ALLOW RESTAURANTS AND RESTAURANTS , BARS, AND TAVERNS/LOUNGES SERVING ALCOHOL AS A PERMITTED USE WITH SPECIAL LAND USE APPROVAL FOR THE C-3, CENTRAL BUSINESS DISTRICT AND HOST PUBLIC HEARING FOR CHANGING C-2, GENERAL COMMERCIAL DISTRICT TO SPECIAL LAND USE APPROVAL AS WELL

Motion by Robertson, seconded by Ambrose, CARRIED UNANIMOUSLY: To recommend to Planning Commission that they allow restaurants and restaurants bars, and taverns/lounges serving alcohol as a permitted use with Special Land Use approval for C-3, Central Business District and host public hearing for changing C-2, General Commercial District to Special Land Use approval as well.

City Manager Whitt stated, at the direction of Council, he created a Public Safety Department. As a matter of law, and per our City Charter, a deputy should be selected in a supervisory role of Fire and Police Department operations His nominee is Paul Shakinas. He will remain the City's Police Chief and will oversee the daily operations of the Fire and Police Departments. If the City needs to make adjustments in a dramatic way, he functions at the administrative level.

CM 06-13-14 MOTION TO APPOINT PAUL SHAKINAS AS DEPUTY OF THE PUBLIC SAFETY DEPARTMENT

Motion by Ambrose, seconded by Yezbick, CARRIED UNANIMOUSLY: To appoint Paul Shakinas as Deputy of the Public Safety Department.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

City Attorney Vanerian stated they are reviewing East Bay Village Master deed and amendments as previously discussed at tonight's meeting.

UNFINISHED BUSINESS:

- 1. Resolution 2014-14 Solid Waste, Recycling, and Compost Removal Consumer Fees**

Mayor Ackley said she is concerned that there is no beginning point of where the fees will start in the provided resolution. She requested it be outlined in the resolution and brought back to Council.

**CM 06-14-14 MOTION TO TABLE RESOLUTION 2014-14 SOLID WASTE,
RECYCLING, AND COMPOST REMOVAL CONSUMER FEES**

Motion by Sturgeon, seconded by Owsinek, CARRIED UNANIMOUSLY: To table resolution 2014-14 Solid Waste, Recycling, and Compost Removal Consumer Fees

NEW BUSINESS:

3. Resolution 2014-20 Delinquent Property Transfer Affidavit

**CM 06-15-14 MOTION TO APPROVE RESOLUTION 2014-20 DELINQUENT
PROPERTY TRANSFER AFFIDAVIT**

Motion by Sturgeon, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve resolution 2014-20 Delinquent Property Transfer Affidavit.

4. Resolution 2014-21 MERS Healthcare Savings Program Library

Finance Director Coogan stated the library personnel is requesting that the City approve the addition of two library employees, who will be terminated, to participate in the current MERS healthcare savings program.

City Manager Whitt explained the library personnel has followed the lead of the hard decisions City Council and Administration has made. It is two people and they are terminating their employment.

**CM 06-16-14 MOTION TO APPROVE RESOLUTION 2014-21 MERS
HEALTHCARE SAVINGS PROGRAM LIBRARY**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2014-21 MERS Healthcare Savings Program Library.

5. Resolution 2014-22 1403 S. Commerce Transfer to Tax Roll

Finance Director Coogan said the City does the billing for the sewer service at 1403 S. Commerce. City Manager Whitt stated the resolution is very specific. The last contact was a call requesting the amount due prior to them issuing a Certificate of Occupancy to the new business and nothing has been addressed, nor transferred to the property tax roll.

**CM 06-17-14 MOTION TO APPROVE RESOLUTION 2014-22 1403 S
COMMERCE TRANSFER TO TAX ROLL**

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2014-22 1403 S. Commerce Transfer to Tax Roll.

Mayor Ackley clarified that if the governing body refuses to place on tax roll, the sewer line will be removed. Finance Director Coogan confirmed.

6. Resolution 2014-23 Community Development Block Grant Urban County Qualification 2015-2017 Program Years

CM 06-18-14 MOTION TO APPROVE RESOLUTION 2014-23 COMMUNITY DEVELOPMENT BLOCK GRANT URBAN COUNTY QUALIFICATION 2015-2017 PROGRAM YEARS

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve Resolution 2014-23 Community Development Block Grant Urban County Qualification 2015-2017 Program Years.

7. Resolution 2014-24 Oakland County Hazard Mitigation

CM 06-19-14 MOTION TO APPROVE RESOLUTION 2014-24 OAKLAND COUNTY HAZARD MITIGATION

Police Chief Shakinias explained Oakland County funded a program to come out and review hazmat concerns in the City. They are seeking Council's adoption of the resolution as part of Oakland County's Hazard Mitigation Plan.

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2014-24 Oakland County Hazard Mitigation.

8. Resolution 2014-25 Oakland Livingston Human Services Agency (OLHSA)

CM 06-20-14 MOTION TO APPROVE RESOLUTION 2014-25 OAKLAND LIVINGSTON HUMAN SERVICES AGENCY (OLHSA)

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2014-25 Oakland Livingston Human Services Agency (OLSHA).

9. Resolution 2014-26 Budget amendment request 2013-2014

CM 06-21-14 MOTION TO APPROVE RESOLUTION 2014-26 BUDGET AMENDMENT REQUEST 2013-2014

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2014-26 budget amendment request 2013-2014.

AUDIENCE PARTICIPATION: None

COUNCIL COMMENTS:

Council Member Loch - none

Council Member Owsinek commented the boat races on Saturday were nice. The Trailway Council met and the purchase agreement has not been forwarded as of yet.

Council Member Sturgeon attended the boat races as well and City staff handled themselves very professionally.

Council Member Ambrose said the Memorial Day parade was well attended and successful. He thanked all those that participated.

Council Member Yezbick concurred with Council Member Ambrose.

Mayor Pro Tem Robertson said the boat races and Memorial Day parade were nice.

Mayor Ackley said the Parade was a great event.

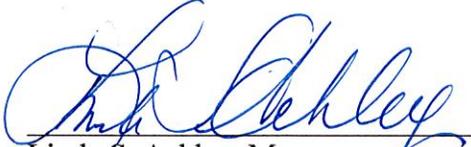
CM 06-22-14 BILLS FOR APPROVAL

Motion by Robertson, seconded by Sturgeon, CARRIED UNANIMOUSLY: To authorize the Treasurer to make disbursements and transfers on Warrant #07-2014 in the amount of \$1,008,003.33 this being in the best interest of the City.

Meeting Adjourned at 9:47 p.m.



Jennifer Stuart, Deputy Clerk



Linda S. Ackley, Mayor