



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, NOVEMBER 18, 2014
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 Robertson

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

ABSENT: Council Member Yezbick

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

OTHERS PRESENT: City Manager Whitt, Police Chief Shakinas, Interim Fire Chief Coomer, Finance Director Coogan, City Attorney Vanerian, Deputy City Clerk Stuart and Confidential Assistant Rodgers

CM 11-01-14 MOTION TO EXCUSE COUNCIL MEMBER YEZBICK FROM TONIGHT'S MEETING

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

REQUESTS FOR AGENDA CHANGES:

City Manager Whitt requested three Executive Sessions to be added to the agenda under City Manager's Report: item #3 Pending lawsuit, #4 Labor negotiations and #5 Employee personnel matters.

Finance Director Coogan requested to add Proposed Resolution 2014-51 Termination of Defined Contribution Pension Plan contract as New Business item #7.

APPROVAL OF MINUTES:

CM 11-02-14 APPROVAL OF THE OCTOBER 7, 2014 REGULAR COUNCIL MEETING MINUTES

Motion by Sturgeon, seconded by Ambrose: CARRIED UNANIMOUSLY: To approve the October 7, 2014 Regular Council Meeting Minutes.

COUNCIL CONSIDERATION:

1. Swearing in of Police Officer Heather Kolke

Police Chief Shakinis introduced Police Officer Heather Kolke. She graduated from Schoolcraft College in law enforcement. Deputy City Clerk Stuart administered the ceremonial oath to Officer Kolke.

2. Swearing in of Reserve Police Officer Jason Neher

Police Chief Shakinis introduced Reserve Police Officer Jason Neher. He also graduated from Schoolcraft College in law enforcement and, while a cadet officer, was president of his class. Deputy City Clerk Stuart administered the ceremonial oath to Reserve Office Neher.

AUDIENCE PARTICIPATION:

Rules for Audience Participation read into record by Deputy City Clerk Stuart.

Dan Lauffer, 1488 Dover Hill North, asked where the City's website was. He said he has been here for two years and all he has ever found is outdated information. He said he has looked for agendas. City Manager Whitt said the website is active as it has always been; www.walledlake.com. He said City Council has taken action and approved a new website. He hoped it would go live after the first of the year.

3. Report from Library Director

Library Director Lobert stated they received a generous donation from Mr. Albert Fahrner, a former patron who passed away. She said the amount was approximately \$60,000. She said his generous gift is testimate to the service the library provides. She said the Library Board and staff are extremely grateful, and she is working with them for the best use of the funds.

4. Lot Split Leon Road – Daniel Munro

Mr. Munro said he has a single lot with a duplex on Leon Road and he is requesting the lots be split to build two separate single family homes. He said he did go before the Planning Commission and it was denied because the new lots would be non-conforming per the Zoning Ordinance. He said he is following the appeal process and that is why he is here before Council this evening. He said the lot he is proposing to split is 200 feet short. He said both lots provide 90 feet of road frontage and have the required easements. He said the easements will remain as they are to provide in ingress and egress to homes behind on Leon Road.

Mayor Pro Tem Robertson said there is a duplex there now, and the Planning Commission did review. He asked for the land survey provided at the Planning Commission meeting. He said he would have been inclined to okay at the Planning Commission meeting; however, the law did not allow due to non-conformity.

Mr. Munro said the existing duplex is non-conforming now. He said he is intending to build his own personal home on one of the newly created lots.

City Manager Whitt said there is some benefit to allow this to happen: two new homes on the tax roll and removal of a rundown duplex. Council Member Ambrose agreed and said it would improve the area and enhance the neighborhood.

**CM 11-03-14 MOTION TO APPROVE THE LOT SPLIT APPEAL FOR 732/734
LEON ROAD– DANIEL MUNRO**

Motion by Robertson, seconded by Sturgeon: CARRIED UNANIMOUSLY: To approve the lot split appeal for 732/734 Leon Road – Daniel Munro.

5. Auditor Presentation – Pfeffer, Hanniford and Palka

Finance Director Coogan provided a brief review of the closed 2014 city financial statements. She highlighted a few of the accomplishments through 2014 which included service levels being maintained with less staffing, the Police Department has been utilizing reserve police officer staffing, reduced debt, new sidewalks, new roads, and the new meter pit was installed to confirm what Detroit Water and Sewer are charging the City for water.

She said the General Fund expenditures hit an all-time low; under \$4 million. She said that is quite significant. She said the General Fund increased \$229,000 due to delay of capital expenditures and the residents passing a new Public Safety Millage. She said operationally the remaining units have adjusted as well. She said employee wages are \$680,000 less than in 2008. And the City has reduced debt for its tax payers by \$3.3 million dollars without having to ask for additional revenues from them.

Mr. John Pfeffer, partner of Pfeffer, Hanniford and Palka, and Mr. Chris Arsenault, CPA were present to brief Council on the 2014 audit. He said the audit is complete and timely. He said the firm is issuing the City a Qualified Auditor Opinion, which is a huge benefit. He said the City Council and Administration have worked hard to turn the ship around and add money to the Fund Balance. He said the continual work with retiree benefits and correction with the shortfalls in the sewer rates and water loss is necessary. He said debt reduction is extremely important and the audit shows the City is making efforts to do so.

**CM 11-04-14 MOTION TO RECEIVE AND FILE THE 2014 AUDITED
FINANCIAL REPORTS AND REFER TO AUDIT COMMITTEE**

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To receive and file the 2014 audited financial reports and refer to Audit Committee.

MAYOR'S REPORT:

Mayor Ackley reminded Council the Tree Lighting Ceremony will be Monday, December 1, 2014 at 7:00 p.m. and wished everyone a Happy Thanksgiving.

COUNCIL REPORT:

Council Member Owsinek said the Trailway Council has submitted the acquisition documents to Lansing and they are awaiting a response.

CITY MANAGER'S REPORT:

1. Monthly Departmental Statistical Reports

**CM 11-05-14 MOTION TO RECEIVE MONTHLY DEPARTMENTAL
STATISTICAL REPORTS**

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

2. Resignation of Planning Commission Member

**CM 11-06-14 MOTION TO RECEIVE AND ACCEPT KARL ANKROM'S
RESIGNATION FROM THE PLANNING COMMISSION**

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To receive and accept Karl Ankrom's resignation from the Planning Commission.

3. Request for executive session to discuss pending lawsuit

**CM 11-07-14 MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS
PENDING LAWSUIT**

Motion by Sturgeon, seconded by Owsinek, CARRIED UNANIMOUSLY: To enter into executive session to discuss pending lawsuit.

Roll Call Vote:

Yes: (6) Ambrose, Loch, Owsinek, Robertson, Sturgeon, Ackley
No: (0) None
Absent: (1) Yezbick

(6-0) MOTION CARRIED

4. Request for executive session to discuss labor negotiations

**CM 11-08-14 MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS
LABOR NEGOTIATIONS**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To enter into executive session to discuss labor negotiations.

Roll Call Vote:

Yes: (6) Loch, Owsinek, Robertson, Sturgeon, Ambrose, Ackley
No: (0) None
Absent: (1) Yezbick

(6-0) MOTION CARRIED

5. Request for executive session to discuss employee personnel matters

**CM 11-09-14 MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS
EMPLOYEE PERSONNEL MATTERS**

Motion by Sturgeon, seconded by Owsinek, CARRIED UNANIMOUSLY: To enter into executive session to discuss employee personnel matters.

Roll Call Vote:

Yes: (6) Owsinek, Robertson, Sturgeon, Ambrose, Loch, Ackley
No: (0) None
Absent: (1) Yezbick

(6-0) MOTION CARRIED

CORRESPONDENCE: None

ATTORNEY'S REPORT:

City Attorney Vanerian said he provided Council a memo update that he will discuss in executive session.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- 1. Proposed Resolution 2014-45 Gratitude and Appreciation to Planning Commission Member Mendelsohn for Volunteer Services to the Commission**

**CM 11-10-14 MOTION TO APPROVE RESOLUTION 2014-45 GRATITUDE
AND APPRECIATION PLANNING COMMISSION MEMBER
MENDELSON**

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2014-45.

2. Proposed Resolution 2014-46 Gratitude and Appreciation to Planning Commission Member Gersten for Volunteer Services to the Commission

**CM 11-11-14 MOTION TO APPROVE RESOLUTION 2014-46 GRATITUDE
AND APPRECIATION TO PLANNING COMMISSION MEMBER
GERSTEN**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2014-46.

3. Proposed Resolution 2014-47 Foremost Development Proposal of Eligibility

City Manager Whitt asked that Mr. Bailey provide a brief overview one more time for those that have not been at one of the other previous meetings.

Mr. Terry Bailey, Foremost Development Principle developer, said he has presented to council previously and he is providing a brief overview of the proposed project, Lighthouse Villas at the lakefront. He said the proposal consists of a 71 unit luxury apartment complex. He explained this is a lifestyle development for its tenants. He said it will have amenities inside the complex including a movie theater. He said the appliances will be included in each apartment and the site will be professionally landscaped. He said the vacating of Witherall Street is necessary for the development to occur. He said it will be an exciting gateway to the downtown and it will enhance the health/safety of the downtown area.

Council Member Owsinek provided a substitute resolution which included language that requires developer to deposit \$25,000 dollars in an escrow account with the City.

He said from past experience with the Trailway Council they had a memorandum of understanding that would cover any costs. He said that when the amount reached a low it allowed for a deposit to be made to keep the project moving and costs were covered with their escrow fund.

**CM 11-12-14 MOTION TO APPROVE RESOLUTION 2014-47 FOREMOST
DEVELOPMENT PROPOSAL ELIGIBILITY**

Motion by Owsinek, seconded by Robertson, DISCUSSION

City Manager said Council is required to approve project for eligibility. He said the applicant advances the funds to cover consultant fees, traffic studys, etc. He said Council Members Owsinek substituted resolution provides insurance and it is a good idea as it will help to avoid the City paying any costs. He said this vote does not approve the project; it provides for funding to move forward with the proposal.

Council Member Sturgeon said the City has a formal application submitted from Mr. Bailey available for review

Motion to amend with substitute Resolution 2014-47 with Council Member Owsinek's revised resolution to include language for a \$25,000 escrow fund made by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY. A vote on the main motion followed.

Original motion by Owsinek, seconded by Robertson called to a vote: CARRIED UNANIMOUSLY: To approve Resolution 2014-47 as amended.

4. Proposed Resolution 2014-48 2014 Winter Tax Roll Drain Special Assessments

CM 11-13-14 MOTION TO APPROVE RESOLUTION 2014-48 2014 WINTER TAX ROLL DRAIN SPECIAL ASSESSMENTS

Motion by Ambrose, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2014-48.

5. Proposed Resolution 2014-49 2014 Winter Delinquent Nuisance Receivables

CM 11-14-14 MOTION TO APPROVE RESOLUTION 2014-49 2014 WINTER DELINQUENT NUSIANCE RECEIVABLES

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2014-49.

6. Proposed Resolution 2014-50 Lakes Area Youth Assistance Board Members

CM 11-15-14 MOTION TO APPROVE RESOLUTION 2014-50 LAKES AREA YOUTH BOARD MEMBERS

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2014-50.

7. Proposed Resolution 2014-51 Termination of the Defined Contribution Pension Plan Contract with American United Life Insurance

Finance Director Coogan said the City has a defined contribution plan that was established in 1988 and it is essentially defunct. She said the total value of the plan is \$66,000 and has a

yearly maintenance fee of \$2,400. She said the participants are no longer employed with the City. She said notification will be issued and participants may do what they want with funds. She said this releases the City from being responsible for management of their funds.

**CM 11-16-14 MOTION TO APPROVE RESOLUTION 2014-51 TERMINATION
OF THE DEFINED CONTRIBUTION PENSION PLAN
CONTRACT WITH AMERICAN UNITED LIFE INSURANCE**

Motion by Sturgeon, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2014-51.

AUDIENCE PARTICIPATION:

Morton Firsht, 508 Winwood Circle, said he understands a traffic study will be provided, but he said the study will not be conducted in the necessary areas. He said the closing of Witherall Street will be terrible.

Ruth Dougher, 541 Winwood Circle, said she opposes the 71 unit complex. She said parking will be a huge issue. She asked where they are to park during an emergency. She said the lake itself is already in danger from all the run off from cars now how will that be addressed with increased parking.

Nancy Kent, 463 Winwood Circle, she said she chose where she lives because she likes the beach and walking to and from the beach. She said she feels it is a slap in the face for those people who live there now. She said people who live in apartments do not take care of their grounds as those that own homes or condominiums. She said it would be nicer if single family homes were placed instead of an apartment complex. She said she does not want to look at a concrete building that is going to block her view of the beach.

Sherry McMillan, 516 Winwood Circle, said she concurs with all the previous statements. She said she has reviewed the CPD application and she asked what Council will be basing their approval on. She said there is no consideration given to current residents in the area. She asked about the negative impact it will have to the current residents and where is the consideration for them. She said they will be looking at a cement wall. She asked where in the CPD criteria listing is the consideration noted for those current residents. She said the document was drafted very narrowly and it does not address those current residents. She said the residents do not have voice in the document.

City Manager Whitt said the process requires Council to send to Planning Commission. He said it is not for the City Council to say no. He said a public hearing is required as a matter of law. He said the Planning Commission will host a public hearing and residents will have time to have a say. He said the Planning Commission will review and refer back to City Council.

Cynthia Champion, 585 Winwood Circle, said she would like to know if Council will give adequate time and notice of when the public meetings will take place. City Manager Whitt

replied yes, the notice will be placed to begin the public hearing. He said the residents will have opportunities.

COUNCIL COMMENTS:

Council Member Owsinek reminded everyone of the Tree Lighting Ceremony Monday, December 1, 2014 and wished everyone a Happy Thanksgiving.

Council member Sturgeon wished everyone a Happy Thanksgiving as well.

Council Member Ambrose and Mayor Pro Tem Robertson concurred.

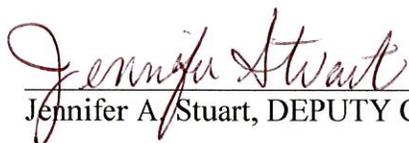
CM 11-17-14 BILLS FOR APPROVAL

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To authorize the Treasurer to make disbursements and transfers on Warrant #12-2014 in the amount of \$953,488.92 this being the best interest of the City.

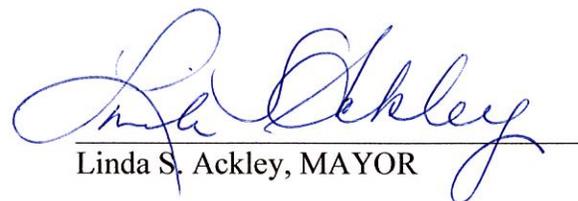
Council entered into Executive Session 8:45 p.m.

Council rose from Executive Session at 9:45 p.m.

Council adjourned 9:47 p.m.



Jennifer A. Stuart, DEPUTY CITY CLERK



Linda S. Ackley, MAYOR