



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, JANUARY 6, 2015
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 Shakinias, Interim Fire Chief Coomer, Finance Director Coogan, Public Works Coordinator McGill, City Attorney Vanerian, Deputy City Clerk Stuart and Confidential Assistant Rodgers

REQUESTS FOR AGENDA CHANGES:

City Attorney Vanerian requested an executive session to discuss pending litigation; added under Attorney's Report item #2.

Finance Director Coogan requested to add Building Permit Fees to the agenda; added under New Business item #6.

CM 01-01-15 TO EXCUSE COUNCIL MEMBER YEZBICK FROM TONIGHT'S MEETING

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

APPROVAL OF MINUTES:

CM 01-02-15 APPROVAL OF THE DECEMBER 2, 2014 REGULAR COUNCIL MEETING MINUTES

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve the December 2, 2014 Regular Council Meeting Minutes.

AUDIENCE PARTICIPATION:

Jennifer Wiley from Crown Castle said she was there to discuss the cell tower located on city property. She said there are two outstanding issues that need to be addressed. She said the City was sent a consent agreement in July of 2014 and a building permit application for additional work to be done on the tower in October of 2014. She said neither has been returned. She said that any work to be done on the cell tower, per the lease agreement, is subject to City approval. She said the City is deliberately upholding the return of the consent agreement and the building permit. She said the City receives revenue shares and lease payments. She said the City has requested the carriers' sublease agreements from Crown Castle and she said they are not permitted to provide those documents. She said the requested information is not part of the lease agreement with the City. She said Crown Castle has provided everything within their power to the City.

She said she is requesting on behalf of Crown Castle, a signed consent agreement and the building permit application to be processed.

City Manager Whitt said he recommends referring to the City Attorney for review and he said this is a legal issue at this point.

Council Member Ambrose asked if the City Attorney had a chance to review. City Attorney Vanerian said it is a legal issue and cannot be resolved with a vote by City Council. He will review in greater detail and provide a legal opinion at the next meeting.

Frederick Eaton, Senior Manager, External Affairs with Comcast said he was before Council seeking approval of the franchise agreement included on tonight's agenda. He said Public Act 480 of 2006, Local Franchising provides authorities to receive a fixed amount of revenue. He said currently the City receives 5%. He said the law also requires that whatever level of PEG fees that were provided under the expiring legacy franchise it be continued under the new franchising agreement. He said Walled Lake is a member of the Western Oakland County Cable Communications Authority (WOCCCA) and in the past the City's PEG fees have been paid to the WOCCCA consortia. He explained the PEG fees may only be used for educational purposes. He asked if Council wished to continue the PEG fees to be paid to WOCCCA or to the City.

COUNCIL CONSIDERATION:

1. Swearing in on Police Officer Michael Byberg

Police Chief Shakinas introduced Police Officer Michael Byberg. He said he earned his associates degree in criminal justice from Oakland County Community College and graduated from the police academy in December 2013.

Deputy City Clerk Stuart administered the ceremonial oath to Police Officer Michael Byberg.

2. Badge presentation and swearing in of Firefighters Dan Taylor and Zach Roemer

Fire Marshal Coomer introduced Firefighters Dan Taylor and Zach Roemer. He said both are State Certified Firefighter II, licensed EMT's, have completed their paramedic program and are preparing to take the National Registry. He said Mr. Taylor currently works at St. John Hospital in Detroit as an emergency room technician and Mr. Roemer is employed by the Detroit Fire Department.

Deputy City Clerk Stuart administered the ceremonial oath to Firefighter Taylor and Firefighter Roemer.

3. 2016 Budget Review Schedule

Finance Director Coogan said last year Council held budget workshop meetings and she is requesting meetings dates for next year's fiscal budget discussions. She said she asking for an initial workshop meeting toward the end of February to discuss long range planning and then two workshops in April.

Council agreed upon Saturday, February 21, 2015 at 9:30 a.m., Saturday, April 11, 2015 at 9:30 a.m. and Tuesday, April 21, 2015 at 7:00 p.m.

CM 01-03-15 MOTION TO APPROVE THE 2016 FISCAL YEAR BUDGET WORKSHOP MEETING DATES

Motion by Owsinek, seconded by Sturgeon, CARRIED UNANIMOUSLY: To approve the 2016 Fiscal Year Budget workshop meeting dates.

MAYOR'S REPORT: None

COUNCIL REPORT:

Council Member Owsinek reported on the Trailway Council. He said the Michigan Department of Natural Resources (MDNR) has approved the estimate for acquisition of the proposed Trailway property. He provided a handout from the MDNR approving the appraisal from Fuller Appraisal, LLC. He said this is the first step for the Trailway Council to purchase the property. He said Council needs to review the document. He said he wants Council and Administration to be aware of exactly what is required. He said there is a Master Plan that was formulated by the Trailway Council and they will be meeting in the near future to discuss that. He said the Master Plan was created to enable each community involved with the Trailway Council to receive a \$300,000/year grant for trailway enhancements. He said this is a long term project for the community and its taxpayers. He said he wants all to be informed of the ongoing legacy costs that will be created with the purchase of this property.

CM 01-04-15 TO REFER ACQUISITION OF TRAILWAY PROPERTY TO CITY MANAGER, CITY ADMINISTRATION AND CITY ATTORNEY FOR REVIEW

Motion by Robertson, seconded by Ambrose, CARRIED UNANIMOUSLY: To refer acquisition of Trailway property to City Manager, City Administration and City Attorney for review.

Mayor Pro Tem Robertson asked if the City could operate as an independent entity from the Trailway Council.

City Manager Whitt said he agrees with Council Members Owsinek's concerns. He said the owner of the railroad property is now requesting reimbursement for past expenses. He said because of prior agreements made by the City, the City cannot walk away. He said there will be perpetual maintenance required for the trailway and the City will have to contract these services out or be the responsibility of the City's DPW. He said Council needs to review what was originally done. He said this is not something to agree to just because it has always been so.

Council Member Loch said she was recently on the new Decker Road area and she made her way to Maple Road. She asked why Maple Road has not been resurfaced or repaired as Decker Road. She said the stretch of Maple Road from McDonalds east to the City limits needs to be repaired. She asked how to move this forward.

City Manager Whitt said that has been an issue for a very long time. He said there were discussions of grants for making Maple Road a four lane road. He said that was a grandiose project that has been proposed for a long time. He said the City has the authority to make the recommendation to review for resurfacing and/or repair of the road if there is support from Council.

Council Member Ambrose asked if the City had any funds to move forward. City Manager Whitt said there is federal money and the City would need to provide funds as well.

**CM 01-05-15 MOTION TO REVIEW MAPLE ROAD FOR POSSIBLE
RESURFACING AND REPAIR**

Motion by Loch, seconded by Ambrose, CARRIED UNANIMOUSLY: To review Maple Road for possible resurfacing and repair.

Council Member Ambrose said the Walled Lake - Novi Lake Board has a tax special assessment designated for cleanup of the weeds in the lake. He said part of the resolution required a review in five years. He said the time has come, and he will be attending lake board meetings and report back to council.

Council Member Sturgeon said he met with recently elected Congressman Trott. He said he seems to be someone who wants to work with municipalities for improvements.

CITY MANAGER'S REPORT:

1. Monthly Departmental Statistical Reports

**CM 01-06-15 MOTION TO RECEIVE MONTHLY DEPARTMENTAL
STATISTICAL REPORTS**

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

2. Request for executive session to discuss labor negotiations on three management contracts

**CM 01-07-15 MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS
LABOR NEGOTIATIONS ON THREE MANAGEMENT
CONTRACTS**

Motion by Robertson, seconded by Ambrose, CARRIED UNANIMOUSLY: To enter into executive session to discuss labor negotiations on three management contracts.

Roll Call Vote:

Yes: (6) Ambrose, Loch, Owsinek, Robertson, Sturgeon, Ackley
No: (0)
Absent: (1) Yezbick

(6-1) MOTION CARRIED

CORRESPONDENCE: None

ATTORNEY'S REPORT:

1. Confidential Attorney Client Communication

City Attorney Vanerian said he prepared a memo that he will discuss during executive session. He said New Business #1 pertains to requested executive session.

**CM 01-08-15 MOTION TO ENTER IN EXECUTIVE SESSION TO DISCUSS
CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION**

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To enter into executive session to discuss confidential attorney client communication.

Roll Call Vote:

Yes: (6) Loch, Owsinek, Robertson, Sturgeon, Ambrose, Ackley
No: (0)
Absent: (1) Yezbick

(6-1) MOTION CARRIED

Meeting adjourned 8:17 p.m.

Council entered into executive session 8:18 p.m.

Council rose from executive session 8:28 p.m.

Meeting reconvened 8:31 p.m.

2. Request for executive session to discuss pending litigation

**CM 01-09-15 MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS
PENDING LITIGATION**

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

Roll Call Vote:

Yes: (6) Owsinek, Robertson, Sturgeon, Ambrose, Loch, Ackley
No: (0)
Absent: (1) Yezbick

(6-1) MOTION CARRIED

UNFINISHED BUSINESS: None

NEW BUSINESS:

**1. Proposed Resolution 2015-1 Uniform Video Service Local Franchise Agreement
with Comcast**

**CM 01-10-15 MOTION TO APPROVE RESOLUTION 2015-1 UNIFORM VIDEO
SERVICE LOCAL FRANCHISE AGREEMENT WITH COMCAST
DOCUMENT REFERENCE NUMBER 2938756.2**

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2015-1 Uniform Video Service Local Franchise agreement with Comcast document reference number 2938756.2.

Mr. Eaton said the City will continue to yield the same revenue fee as under the previous franchise. He asked Council if they wished the PEG fees to be disbursed to the City or to WOCCCA, as previously done. Mayor Ackley said she will be attending a WOCCCA meeting next month and will get back with Mr. Eaton.

2. Proposed Resolution 2015-2 Credited Service to be granted to City Manager in the MERS program

CM 01-11-15 MOTION TO APPROVE RESOLUTION 2015-2 CREDITED SERVICE GRANTED TO CITY MANAGER IN THE MERS PROGRAM

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2015-2 Credited Service to be granted to City Manager in the MERS program.

3. Purchase of Police Vehicles

Police Chief Shakinas said the department is requesting to purchase two new police vehicles and approval for installation from a single source, Canfield Emergency Equipment in Warren, MI. He said funding would be provided from the forfeiture line item 265-399-980-001 Vehicle Purchase.

City Manager Whitt said this is something the department began four years ago. He said the fleet has been continually updated. He said this allows for purchase of new vehicles not using tax payer funds, and disposal of the older vehicles that do use tax payer funds for repair.

CM 01-12-15 MOTION TO APPROVE PURCHASE OF TWO POLICE VEHICLES FROM SHUMAN CHRYSLER/DODGE FOR \$26,075 PER CAR WITH SINGLE SOURCE INSTALLATION FROM CANFIELD EMERGENCY EQUIPMENT IN WARREN, MI

Motion by Sturgeon, seconded by Loch, CARRIED UNANIMOUSLY: To approve purchase of two police vehicles from Shuman Chrysler/Dodge for \$26,075 per car with single source installation from Canfield Emergency Equipment in Warren, MI.

4. Purchase of Patrol Car Camera Systems

CM 01-13-15 MOTION TO APPROVE PURCHASE OF PATROL CAR CAMERA SYSTEMS FROM WATCHGUARD

Motion by Owsinek, seconded by Sturgeon, CARRIED UNANIMOUSLY: To approve the purchase of one patrol car camera system from WatchGuard.

5. Livescan Equipment Replacement Request

Police Chief Shakinas said the system used to finger print and photograph individuals is required to be updated per Oakland County.

**CM 01-14-15 MOTION TO APPROVE LIVESCAN EQUIPMENT
REPLACEMENT**

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve the Livescan Equipment Replacement.

6. Building Permit Fees

Finance Director Coogan introduced a building permit fee memo outlining the current building permit fees and the recommended adjustments not including the electrical, mechanical, and plumbing. She asked that council review and provide feedback.

AUDIENCE PARTICIPATION: None

COUNCIL COMMENTS:

Wished everyone a Happy New Year and be safe with the artic weather.

CM 01-15-15 BILLS FOR APPROVAL

Motion by Robertson, seconded by Loch, CARRIED UNANIMOUSLY: To authorize the Treasurer to make disbursements and transfers on Warrant #1-2015 in the amount of \$521,049.43 this being the best interest of the City.

Council recessed 8:53 p.m.

Council entered into executive session 9:03 p.m.

Council rose from executive session 10:01 p.m.

**CM 01-16-15 MOTION TO AUTHORIZE THE CITY ATTORNEY TO
PROCEED WITH LIGATION SETTLMENT AS DISCUSSED IN
EXECUTIVE SESSION**

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve authorize the City Attorney to proceed with litigation settlement as discussed in executive session.

**CM 01-17-15 MOTION TO APPROVE RESOLUTION 2015-3 APPROVING AN
EMPLOYEE AGREEMENT WITH PAUL SHAKINAS AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE
AGREEMENT**

Motion by Robertson, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2015-3 approving an employee agreement with Paul Shakinis and authorizing the City Manager to execute the agreement.

CM 01-18-15 MOTION TO APPROVE RESOLUTION 2015-4 APPROVING AN EMPLOYEE AGREEMENT WITH COLLEEN M. COOGAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

Motion by Robertson, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2015-4 approving an employee agreement with Colleen M. Coogan and authorizing the City Manager to execute the agreement.

CM 01-19-15 MOTION TO APPROVE RESOLUTION 2015-5 APPROVING AN AMENDED EMPLOYEE AGREEMENT WITH L. DENNIS WHITT AND AUTHORIZING THE CITY MAYOR TO EXECUTE THE AGREEMENT

Motion by Ambrose, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2015-5 approving an employee agreement with L. Dennis Whitt and authorizing the City Mayor to execute the agreement.

Council adjourned 10:05 p.m.

Jennifer A. Stuart, DEPUTY CITY CLERK

Linda S. Ackley, MAYOR