



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, MARCH 3, 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 Shakinas, 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 Manager Whitt requested Council Consideration agenda item #6 be pulled from agenda until a later date.

CM 03-01-15 TO EXCUSE COUNCIL MEMBER YEZBICK FROM TONIGHT'S MEETING

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

APPROVAL OF MINUTES:

CM 03-02-15 APPROVAL OF THE FEBRUARY 3, 2015 REGULAR COUNCIL MEETING MINUTES

Motion by Ambrose, seconded by Owsinek, **CARRIED UNANIMOUSLY:** To approve the February 3, 2015 Regular Council Meeting Minutes.

AUDIENCE PARTICIPATION:

Rules of Audience Participation read in to record by Deputy City Clerk Stuart.

Tim Lynch, Sr., 340 N. Pontiac Trail – said he sent Council a letter dated January 15, 2015 and he asked if they received it. He said he is in favor of development within the City however; he has concerns with the proposal at Mercer Beach and parking. He asked Council for consideration to be given to those who live and work within the area. He said people in the target market 20-30 year olds to live there will need more parking than proposed. He asked the Council to protect the quality of life for people who live and work within City.

Tim Lynch, Jr., 340 N. Pontiac Trail and 551 Gamma – said he strongly agrees with Mr. Lynch, Sr. He said parking is already difficult especially during City events. He said it is an inconvenience to those families he is servicing but they work with it with help from the Police Department. He said the property owners know of these scheduled events ahead of time and can prepare for them. He said he is concerned with the already existing problem of garbage and debris the morning after these events and on weekends. He said if people from the proposed development use his parking lot they will be towed. He said he will not sacrifice his relationship with the families of his business. He said the lakefront property is the gem of the City. He suggested decreasing the number of units and make them bigger, draw in a different target market. The lakefront is a huge value. He said the current proposal he has seen, is selling the lakefront away for free.

Tom Langan, 131 Osprey – said this property is very unique and a great opportunity for development. He said the proposed development could still be great with less number of units. He said fewer units would allow for bigger units and that would use less parking. He said he reviewed the McKenna Associates letter. He said as a Council, they represent the residents, he said Council can make sure the developers live within the given requirements. He said he is in favor of development and a better tax base. He said in many ways the lakefront property is the finest piece of property within the City. If there are fewer units to adjust for bigger units, they will be sought out for the view of the lake. He said Council needs to represent the people. He said parking is a huge issue during the summer and weekends, there is a lot. He said Council needs to make sure they take all of the residents' concerns into account before a decision is made.

Joe Novitsky, 1755 Royal Avenue -- said he is here on behalf of East Bay Village. He said they are asking for an opportunity to amend the existing PUD agreement for dock and motorized watercraft.

Louise Bower from Oakland County discussed Rebuilding Together Oakland County. She said they are looking for homeowners and veterans who need repairs, sponsors, and volunteers for the program. She handed out material for Council to review. Mayor Ackley said this was the 'Christmas in July' the City had participated in before.

Benjamin Knapp, 212 Hillcroft – said he moved to the City one year ago. He said he picked his home on Hillcroft because it was on a one way drive/dead end with less traffic. He said there will be an increase in traffic, garbage on the roads etc. from construction. He said another issue is noise. He said he will be absolutely distraught with the noise from a two year process of dump trucks and construction. He said if the City lost the appeal he had when he moved here, he will be inclined to relocate.

Delphine Hall, 105 Liberty – said she has a vacant lot on Liberty that people use for parking and the City uses for parking during events. She said it is impossible to keep the lot clean. She said she agreed with Mr. Lynch, the situation will only get worse. She said she will close her lot and the City will lose parking. She said her lot is not respected and it is taken for granted. She said her heart goes out to those people who live around the area of the proposed development; they will have a huge ugly building to look at. She asked how many spots the proposal has designated for parking.

Cynthia Campion, 585 Winwood – said she has lived in Walled Lake for six years. She said she lived in Wixom and Wolverine Lake prior. She said she moved here so she could enjoy the aesthetics of the City. She said she enjoys walking down the road to the lake; the water is something to behold. She said she feels a great many people like the quaintness of Walled Lake. She said it does not make sense to her to possibly allow the proposed lakefront development. She asked if the proposed number of parking spaces was the correct number for such a huge development. She said she agrees with Mr. Lynch that everybody has to be good neighbors however; all of the open parking will be gone. She said a three story building is too high.

Carol Gilchrest, 600 Pine Tree and 569 Winwood – said she has grown up in the Walled Lake area and is a teacher in the school district. She said she attended a recent Planning Commission meeting and found out that Key Largo was approved with 85 parking deviations and the same is suggested for this development proposal. She said one of the proposed lots to be used for overflow parking was the lot near the Foster Farmhouse. She said people are not going to park over there they will park in front of the businesses downtown and those business owners will have to have the cars towed. She said this is not what the residents want for the business community. She said parking is her main concern and it will overload the City. She said she doesn't feel a resolution should even pass until the parking is resolved. She said she is also concerned with flooding on her property because her property elevation is low. She said she is for development in this area but the parking is a priority and must be satisfactorily resolved.

Rich Gunther, 486 E. Walled Lake – said he has spoken a number of times and sent letters regarding the lakefront proposal and his concerns have not been addressed. He said he reviewed the Zoning Ordinance and CPD qualification criteria. He said he has read all the documents and attended meetings and does not see how the use of CPD option is valid. He said the Zoning Ordinance states the use of the CPD option shall not be used for the purpose of avoiding applicable zoning requirements of the underlying zoning district; or add to the load area with parking, it shall promote the goals and objectives of the Downtown Urban Design Plan and Master Plan, and the CPD shall not be allowed as a means of increasing the density of the development. He said 71 units is too much for two acres of land. He said there is not even a

zoning that establishes that zoning. He said the Master Plan calls for office or commercial structure as the existing buildings in Historic Lakefront area. He said he does not see that and he hopes council votes correctly.

Marsha Nemon, 598 Winwood – said she has lived in the City for 17 years and she is not for the lakefront proposal. She said there are no elevators; the parking structure is open which allows for trouble. She said she knows Walled Lake is in debt but this development is not the solution. She expects Council to represent the people of the City. She said this building is too big and the capacity is not there for that building. She said the City has a Planning Commission and they should be bringing in new business to enhance the residents way of life.

Bryan O’Leary, 202 Witherall – said he will lose the best view of the lake. He said he has put a lot of the money into his home. He said his neighborhood has six younger children and a 71 unit apartment complex is not safe. He said he hopes Council takes the thoughts and concerns of residents into consideration before making any decision.

Kenneth Lewis, 455 Winwood – said he has public safety concerns, issues will increase it will double the police and fire efforts and they are running at a minimum as it is. He said the amount of pollution to the lake will kill it.

Sue Helke, 1361 Shaw – said she reviewed and read the McKenna Associates February 6, 2015; Site Plan Review of plans dated January 22, 2015 and read items from the letter. She referenced item #2 and read *Dimensional Standards; Maximum Building Height 2 stories the proposal is not in compliance. The proposed building, at three stories exceeds the maximum height permitted. However, the proposed height will create a stronger urban environment and provide the population density that is needs to create an active, vibrant downtown district that the City aspires for; Maximum lot coverage 30 percent proposal not in compliance. The proposed complex will cover approximately 55% of the lot. Although this is not in compliance with the R1-B District, it is in compliance with the C-3 District and the proposed lot coverage is in keeping with the lot coverage of other uses in the downtown district; Front yard setback 30 feet minimum proposal not in compliance. A 25-foot front yard setback is proposed with a public sidewalk and the addition of angled parking along E. Walled Lake Drive. She continued with Section 7 parking/Access. She said the footnote states, Requires two off-street parking spaces for each dwelling unit, plus four visitor spaces for every 10 dwelling units. Dwelling Unit Parking the proposed dwelling unit parking includes off street, surface spaces equal to 65; car port “tucked” spaces equals 22 for a total number of off street, tenant parking spaces equal to 87. Proposed Visitor Parking has 24 on-street parking spaces (guest parking) for a total of 11 parking spaces. She said if Council votes for this then Council is in violation of their City rules and regulations and Zoning Ordinance and Councils feels they can change them at will in spite of what constituency wants.*

COUNCIL CONSIDERATION:

1. Lakes Area Youth Assistance 2015 Program Year

Mike Stach, Board Member of Lakes Area Youth Assistance (LAYA), explained the purpose of LAYA, goals, objectives, prevention programs, fundraisers, and future educational programs. He asked Council for consideration to continue their support for the 2015 program year. Deb Lindsey, case worker said the volunteers and collaboration with the schools and public departments are extremely important to their success. She said cases are referred to them by the police, school personnel, courts, parents, and the kids themselves. She said prevention work is key and they have 90% effective rate.

Mr. Stach said the Board meets the second Wednesday of every month at the Community Education Center and invited anyone to attend.

2. East Bay Village Boat Dock Petition Appeal

Joe Novitsky said he has submitted all the documents to Council for review and if not tonight at a future meeting. He said the designs have been submitted for review and he said he feels it is a reasonable request. He said the proposal meets the intent and spirit of the law. He said he has found no objections except from Council and Planning Commission. He asked Council to revisit it and provide their support to continue the amendment process.

Council Member Sturgeon asked if section 6.15 of the East Bay bylaws were addressed to reflect what they are asking for. Mr. Novitsky said yes. Mayor Ackley asked if there was a vote of the members of the condominium association of 66% or more that were for the change to their bylaws. Mr. Novitsky replied yes but he did not have exact number he will check his records.

Mayor Pro Tem Robertson said before this request even came before Council a resolution from the entire complex should have been provided specifically explaining what they want to add and amend and have 66% or more were in favor of the bylaw change. He said this vote should have been brought before the entire complex not just the board members first. He said besides changing the Master Deed, they are creating a marina and in his opinion want approval from Council to do so. He said when those residents purchased condominiums in that development it was expressed no motorized watercraft or docking. He said there was docking and boating ordinance created a few years ago but the reason was to prohibit those residents charging others for use of their personal dock. He said he sympathizes; however, he is not in favor of the requested change.

Council Ambrose said the original agreement included a contract proposal brought before Council by the developer so they could have the density needed for the project. He said there were a lot of public meetings with residential input including input from the City of Novi. He said the breaking of this contract involves public opinion and public meetings. He said before anybody can even begin to consider breaking this contract it has to go before the public again.

Mr. Novitsky said he is looking for a process that works. He said for the record he has not received any assistance or support from the City, no notification of any meetings. He asked Council to start over and create a process that the community supports. He said there must be some reasonable agreement to allow for the 281 units to have a dock.

Council Member Ambrose said there were several meetings held and those records are public record and available for review of how it ended being the way it is today.

Mr. Novitsky said they are willing to follow a process if given one. He said their request went for an up and down vote with no discussion at the Planning Commission meeting; he didn't even unpack his bag. He said in 23 years of private practice, he has never had this experience not being able to present to a Planning Commission. He said the East Bay residents are a large group of the voting population. He said there is 300 feet of lakefront and to deny them the opportunity is wrong. He said he is asking for the opportunity review this to make a wrong, right.

Mayor Ackley said when this development went in; it took a lot of planning, cooperation and negotiations. She said there were a lot of upset people, there were a lot of things considered. She said the same standards are in existence today as from the beginning. She said buyers knew they did not have permission for motorized watercraft or docking. She said she has not seen any documentation how the slips would be distributed. She said the proposal is asking for allowance of a marina which the City does not have the right to approve. She said she has not seen any documentation that this amendment had a vote by the association and was approved by the residents of the development.

Mary Beth Novitsky, 138 Sandy Lane – said they have not been asked for bylaw vote documentation. She said they have had annual meetings for the last two years and they are all aware of the amendment request. She said not one person has been against it.

Council Member Owsinek said the vote is not an option it is a requirement, and requires 2/3 majority vote of all of the stake holders of the development. He said the lakefront is held in common element as the gazebos, what the proposal will do will only allow a select few for boats. He asked if that will also apply to the use of the gazebo. He said the proposal is only allowing a select few of the entire entity to have boating rights. He said he is not for it.

Mayor Pro Tem Robertson said the 300 feet of lakefront is part of the common element area, each property owner would only have a foot and half of land. He said however a lottery is run, there will only be a select few. He said it is a common element to all of the residents all the development there will be those who are disgruntled for not winning a boat slip. He said this creates a problem for the Council and the City.

Council Member Owsinek said he was a member of the Planning Commission when East Bay was created and this was a huge sticking point, it was agreed that there would not be motorized watercraft docked or moored. He said he sees no reason to change bylaws or Master Deed. He said Council cannot change the bylaws.

Ms. Novitsky said she was told by the City Attorney to follow the steps to amend the PUD. City Attorney Vanerian said the procedure to amend the bylaws is laid out in the bylaw document. She said she will get the required vote and they will work on amending the bylaws.

Mayor Ackley said the process cannot start without 66% approval from the stakeholders.

Mayor Pro Tem Robertson said the vote approving the bylaw amendment from the property owners does not guarantee approval from Council.

Mayor Ackley said she wanted to be clear that Mary Beth Novitsky filed the petition not Mr. Novitsky and she was the contact person and to whom all the information was relayed too. Ms. Novitsky replied yes.

City Manager Whitt said page 16 of the bylaws which is part of the Master Deed as attachment A and B explains what needs to happen to amend the bylaws. He said a vote from owners is required and the vote must be 66% or higher to change the bylaws and then that proposal comes before Council for review. He said the bylaws were created by the board members. He said he has explained this to Ms. Novitsky the first time she came to Council.

3. Consideration for the purchase of a Zero-Turn Rider Mower

Public Works Coordinator McGill said as part of the Capital Improvement Plan the department would like to replace their 2010 mower with a 2015 mower with monies going towards a trade in.

CM 03-03-15 MOTION TO APPROVE PURCHASE OF ZERO-TURN RIDER MOWER FROM WEINGARTZ

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve the purchase of a Zero-Turn Rider Mower from Weingartz.

4. Consideration of Bid Award for Portable Restroom Service

Public Works Coordinator McGill said Metro Service was the lowest provider and have been servicing the City for the last five years.

CM 03-04-15 MOTION TO AWARD BID FOR PORTABLE RESTROOM SERVICES TO METRO ENVIRONMENTAL SERVICES

Motion by Sturgeon, seconded by Owsinek, CARRIED UNANIMOUSLY: To award bid for portable restroom services to Metro Environmental Services.

5. Recommendation for April 1, 2015 Health Insurance Packet

Finance Director Coogan said the City's health insurance is due for renewal in April. She said the City adheres to maximum limits that can be paid for health insurance in an effort to keep cost down. She said this plan comes in below those limits and there is no required contribution from employees.

**CM 03-05-15 MOTION TO APPROVE UNITED HEALTH CARE AS CITY'S
INSURANCE PROVIDER**

Motion by Sturgeon, seconded by Loch, CARRIED UNANIMOUSLY: To approve United Health Care as City's insurance provider.

MAYOR'S REPORT:

Mayor Ackley referenced the lakefront development proposal; she thanked those for coming and appreciates their input. She said Council will do the best they can and she has heard the concerns of the residents, nothing has been decided and there is a lot of information still to be provided.

COUNCIL REPORT:

Mayor Pro Robertson said the Planning Commission held a meeting February 24, 2015 and a (5-2) vote was held to recommend approval of Foremost Development with conditions and refer back to Council.

Council Member Owsinek said the Trailway council met and they are still waiting for signing of the contract for purchase. He said there is a resolution on tonight's agenda for acceptance and approval of the 2015 Trailway Master Plan. He said Commerce and Wixom have already passed their resolutions however this was the first Walled Lake meeting since given the resolution requesting approval.

Council Member Ambrose said he also appreciates the public and their input. He said Council will do their due diligence; nothing is etched in stone and all items will be reviewed.

CITY MANAGER'S REPORT:

1. Monthly Departmental / Divisional Statistical Reports

**CM 03-06-15 MOTION TO RECEIVE MONTHLY DEPARTMENTAL
STATISTICAL REPORTS**

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

2. Request for Executive Session to discuss possible pending litigation

**CM 03-07-15 MOTION TO ENTER IN EXECUTIVE SESSION TO DISCUSS
POSSIBLE PENDING LITIGATION**

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

Roll Call Vote:

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

(6-1) MOTION CARRIED

3. Request for 5 year Budget Workshop

Finance Director Coogan requested an additional budget workshop to bring requested additional information to Council. She there is a workshop scheduled for April 11th and April 21st. Council agreed on Tuesday, March 24, 2015 at 7:30 p.m.

Mayor Ackley said she will not be able to attend the April 11 workshop.

CORRESPONDENCE:

Deputy City Clerk Stuart said there was a letter from Mr. and Mrs. Newbound.

ATTORNEY'S REPORT: None

UNFINISHED BUSINESS:

1. Second Reading C-320-15 2012 International Fire Code

CM 03-08-15 MOTION TO APPROVE SECOND READING OF C-320-15 2012 INTERNATIONAL FIRE CODE

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Second Reading C-320-15 2012 International Fire Code.

NEW BUSINESS:

1. Proposed Resolution 2015- 8 Foremost Development Non Eligibility

Council Member Ambrose asked for clarification of the two resolutions.

City Attorney Vanerian said there is a procedure for a Commercial Planned Unit Development (CPD) process. He said the City is well into the process and several meetings and public hearings have been held. He said the Planning Commission recommended approval and referred back to Council subject to a number of conditions. He explained Council will review the reports from the Planning Commission, engineers, consultants, etc. to determine if they wish to continue to move forward with the project or not. He said Council's vote this evening is not approving the project but to consider moving forward and continue with the process.

Mayor Ackley said if Council is prepared to move forward. She said with previous CPD's there was a lot more involvement on Councils behalf. She said she is not ready to vote on this project she would like to see the plans in full detail, etc.

Mayor Pro Tem Robertson said he feels the parking issues can be addressed. He said he is not had any negotiations or know of any negotiations being had regarding vacating Witherall. He said he is willing to go forward but it is not something he is prepared to approve without any further information. He said he is not in favor of Resolution 2015-8 non eligibility.

**CM 03-09-15 MOTION TO APPROVE 2015-8 FOREMOST DEVELOPMENT
NON ELIGIBILITY**

Motion by Sturgeon, seconded by Loch,

City Manager Whitt said the first resolution stops the discussion and process. He said the second resolution allows the process to continue and for further discussions for a potential PUD.

Council Member Ambrose clarified and said proposed resolution of non eligibility stops it in tracks then the resolution of eligibility allows continuation of process.

City Manager Whitt said the resolution of eligibility allows further looking into and continued negotiations.

Mayor Ackley said if the first resolution fails, and the second passes for eligibility and they enter into negotiations to address the concerns of the residents and it is determined that this project cannot go forward Council can still vote project as non eligible. She said currently there are no agreements at this time. She said she is concerned with the comments from residents, City Consultants, changes to Ferland, density, and parking, etc.

Council Member Owsinek said the only documentation he received was a preliminary site plan that was presented to the Planning Commission and it is very deficient in parking and it does not address many items. He said he wants to see everything first before any decision.

Council agreed.

Council Member Owsinek called vote to question.

Roll Call Vote:

Yes: (2)	Loch, Sturgeon
No: (4)	Owsinek, Robertson, Ambrose, Ackley
Absent: (1)	Yezbick
Abstentions: (0)	

(2-4) MOTION FAILED

2. Proposed Resolution 2015-08 Foremost Development Eligibility

**CM 03-10-15 MOTION TO APPROVE RESOLUTION 2015-8 FOREMOST
DEVELOPMENT ELIGIBILITY**

Motion by Owsinek, seconded by Robertson,

Council Member Ambrose said this resolution allows going forward and is contingent upon all issues being addressed including density, drainage, parking, etc before any approvals are issued.

Mayor Ackley said she understands that Council would be acting essentially as the Planning Commission. She said Council would be making the final determinations.

City Attorney Vanerian said Council is not legally bound at this time. He said Council would be looking at the proposal with a clean slate.

Council Member Sturgeon called vote for question

Roll Call Vote:

Yes: (4)	Ambrose, Owsinek, Robertson, Ackley
No: (2)	Loch, Sturgeon
Absent: (1)	Yezbick
Abstentions: (0)	

(4-2) MOTION CARRIED

Council Recessed 9:23 p.m.
Council Reconvened 9:37 p.m.

3. Proposed Resolution 2015-09 for the 2015-2018 Police/Fire Dispatch Service Agreement with Oakland County

Police Chief Shakinas said the contract fees for this renewal are higher than last time however, he said he feels this is still the most cost effective approach.

**CM 03-11-15 MOTION TO APPROVE RESOLUTION 2015-09 POLICE/FIRE
2015 – 2018 DISPATCH SERVICE AGREEMENT WITH
OAKLAND COUNTY**

Motion by Sturgeon, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2015-09 Police/Fire 2015 – 2018 Dispatch Service Agreement with Oakland County.

4. Proposed Resolution 2015-10 Adoption of the 2015 Trailway Master Plan

**CM 03-12-15 MOTION TO APPROVE RESOLUTION 2015-10 ADOPTION OF
THE 2015 TRAILWAY MASTER PLAN**

Motion by Robertson, seconded by Sturgeon, CARRIED UNANIMOUSLY: To approve Resolution 2015-10 Adoption of the 2015 Trailway Master Plan.

Council Member Sturgeon asked if there would be any more work on trailway by the current owners such as leveling off of the land, etc. Council Member Owsinek said no.

City Manager Whitt said the trailway path would be owned by Trailway Council entity which includes Wixom, Commerce, and Walled Lake not the individual entities themselves. He said the maintenance of the trail will be addressed by the Trailway Council. He said enhancement grants are available.

Council Member Owsinek requested a copy of the signed resolution be sent to Kathleen Jackson at Commerce Township.

5. Proposed Resolution 2015-11 Health Care Savings for General and Administrative Employees

Finance Director Coogan said this resolution completes a process that Council began a couple years ago which reduces the retiree pension and healthcare debt. She said this removes all remaining employees from a defined benefit into a defined contribution plan.

**CM 03-13-15 MOTION TO APPROVE RESOLUTION 2015-11 HEALTH CARE
SAVINGS FOR GENERAL AND ADMINISTRATIVE
EMPLOYEES**

Motion by Sturgeon, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve Resolution 2015-11 Health care Savings for General and Administrative Employees.

6. Proposed Resolution 2015-12 Planning Fees

Finance Director Coogan said information was presented to Council last meeting for review. She said Council addressed the Building Department fee structure to solidify the fee process and this resolution provides the same for Planning.

CM 03-14-15 MOTION TO APPROVE RESOLUTION 2015-12 PLANNING FEES

Motion by Loch, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2015-12 Planning Fees.

7. Proposed Resolution 2015-13 for 2nd Quarter Budget Amendment Request

Finance Director Coogan explained the majority of this budget amendment is due to increase of the tax revenue and reduction of expenses by merging the MERS Police Command and Patrol unit into one.

**CM 03-15-15 MOTION TO APPROVE RESOLUTION 2015-13 FOR 2ND
QUARTER BUDGET AMENDMENT REQUEST**

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2015-13 for 2nd Quarter Budget Amendment Request.

8. First Reading C-321-15 Wireless Communication Ordinance Amendment

City Attorney Vanerian explained this amendment incorporates the State and Federal mandated regulations.

**CM 03-16-15 MOTION TO APPROVE FIRST READING C-321-15 WIRELESS
COMMUNICATION ORDINANCE AMENDMENT**

Motion by Loch, seconded by Sturgeon, CARRIED UNANIMOUSLY: To approve First Reading C-321-15 Wireless Communication Ordinance Amendment

9. First Reading C-322-15 Chapter 2 Department of Public Services

City Manager Whitt said this ordinance allows consolidating AND/or contracting during times of economic needs and appoint a director. He said the City Charter requires an ordinance to create a department.

Council Member Sturgeon asked for clarification that the Director of Finance will be the director and this ordinance is temporary. City Manager Whitt said Finance has a great deal to do with the Water Department and his recommendation for Director will be Finance Director Coogan.

**CM 03-17-15 MOTION TO APPROVE FIRST READING C-322-15 CHAPTER 2
DEPARTMENT OF PUBLIC SERVICES**

Motion by Loch, seconded by Sturgeon, CARRIED UNANIMOUSLY: To approve First Reading C-322-15 Chapter 2 Department of Public Services.

AUDIENCE PARTICIPATION:

Tim Lynch Sr., 340 N Pontiac Trail, said he is disappointed the first motion did not pass. He said his understanding that discussions would now happen not with the current proposal layout but be able to make corrections and modifications to proposal. He said there was one person in favor of the development. He said he has not been to any other meetings he asked for notification of any meetings and he would welcome a phone call. He said he will also check the City resources for future meetings. He said he felt Council was provided a good representation of the

public's opinion for the development proposal. He said when his business expanded; they were required to obtain a shared parking agreement, if the neighboring entity said no, he would not have been able to do addition. He requested Council to do due their diligence with the review of this plan.

Tim Lynch, Jr. said Council has seen a lot of frustration at tonight's meeting. He said the resolution of non eligibility would have sent a clear picture to the developer. He said no one stayed for the entire meeting they left in frustration; they feel Council has let them down. He asked that Council please review project entirely and thoroughly.

COUNCIL COMMENTS:

Council Member Owsinek said the approved resolution of eligibility allows for developer to come back to Council to address all the concerns of Council and their constituents. He said going forward staff will do due their diligence with regard to parking, engineering, etc.

Council Member Sturgeon said there was a formal request brought to the City to develop this property and Council is in middle of the process and much will have to be reviewed.

Council Member Ambrose said he had a difficult time with the first proposal resolution of non eligibility, why have that on agenda and then vote to continue with the proposal review process. He said everything will be done to ensure this is a quality development. He said this property owner lost a lot of money; it has sat vacant for some time. He has allowed the City to use the property throughout the years without any recourse. He said Council will do right by residents, property owners and business owners; all of the issues will be reviewed.

CM 03-18-15 BILLS FOR APPROVAL

Motion by Robertson, seconded by Sturgeon, CARRIED UNANIMOUSLY: To authorize the Treasurer to make disbursements and transfers on Warrant #3-2015 in the amount of \$722,734.94 this being the best interest of the City.

Council entered into Executive Session at 10:10 p.m.
Council rose from Executive Session at 10:20 p.m.

Council adjourned 10:22 p.m.



Jennifer A. Stuart
DEPUTY CITY CLERK



Linda S. Ackley
MAYOR