



**NOTICE OF PUBLIC MEETING
CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
Tuesday, May 5, 2026 | 7:30 P.M.**

This meeting will be held via in-person hybrid phone in conference. For those who want to participate in person, the meeting will be held in Council Chambers located at 1499 E. West Maple Rd, MI 48390. For those that will attend virtually please review the credentials below. The following items are on the agenda for your consideration:

Traditional Telephone – Audio Only

1 312 626 6799 US (Chicago) or

1 888 788 0099 US Toll-free

Meeting ID: 859 7857 8848

City of Walled Lake’s YouTube channel:

<https://www.youtube.com/channel/UCDwQJiyMCqMbm9Ru-sKMEw/featured>

WELCOME & INTRODUCTION	<i>Regular Council Meeting of Tuesday, May 5, 2026</i>	
PLEDGE TO FLAG & INVOCATION		
ROLL CALL & DETERMINATION OF A QUORUM		
REQUESTS FOR AGENDA CHANGES		
AUDIENCE PARTICIPATION	<i>Audience members will be able to speak via electronic means as instructed below.</i>	
ATTORNEY’S REPORT	1. City Council Meeting Rules of Decorum and Conduct	Pg.3
UNFINISHED BUSINESS		
NEW BUSINESS	1. Receive and file Zoning Board of Appeals member resignation	Pg.12
COUNCIL COMMENTS		
MAYOR’S COMMENTS		
AUDIENCE PARTICIPATION		
ADJOURNMENT		

Members of the public may also view the broadcast meeting on the City of Walled Lake’s YouTube channel: <https://www.youtube.com/channel/UCDwQJiyMCqMbm9Ru-sKMEw/featured>. Closed captioning will be available after YouTube fully renders the meeting video.

Members of the public who wish to speak during audience participation via virtual means may press *9 on their telephone keypad. Pressing *9 will activate the “raise hand” feature. Due to limitations with muting and unmuting members of the public will be called on one at a time. Please introduce yourself by stating your name and address for the record. You will have three (3) minutes to share your comments. At the conclusion of your three (3) minutes, you will be muted and removed from the public comment queue. Participants may also choose to submit written comments to the City Clerk by noon day of the meeting to clerk@walledlake.com.

The City of Walled Lake government e-mail addresses of the members of all public bodies utilizing this means of the meeting are available on the City's website at: <https://walledlake.us/index.php/contact-us>

Procedures for participation by persons with disabilities.

The City will be following its normal procedures for the accommodation of persons with disabilities. Those individuals needing accommodations for effective participation in this meeting should contact the City Clerk (248) 624- 4847 in advance of the meeting. An attempt will be made to make reasonable accommodations.

Individuals with Hearing or Speech-Impairments.

Users that are hearing persons and deaf, hard of hearing, or speech-impaired persons can communicate by telephone by dialing 7-1-1.

- Individuals who call will be paired with a Communications Assistant
- Make sure to give the Communications Assistant the proper teleconference phone number and meeting ID.

For more information please visit:

https://www.michigan.gov/mpsc/0,9535,7-395-93308_93325_93425_94040_94041---,00.html

MEMORANDUM

City of Walled Lake · 1499 E. West Maple Road · Walled Lake, MI 48390 · (248) 624-4847

To: Walled Lake City Council
From: Vahan Vanerian, City Attorney
Re: *City Council Meeting Rules of Decorum and Conduct*
Date: April 27, 2026

Please accept this memo as my review and recommendation concerning Council’s authority to adopt rules of decorum and conduct at city council meetings applicable to both public officials and members of the public. My review reveals Council has the legal authority under the Home Rule City Act and Sections 6.4 and 6.7 of the City Charter to adopt reasonable rules regulating decorum and conduct at city council meetings that do not unduly infringe upon the constitutional and statutory rights of the individuals who attend the meetings. Implementation of the rules is done on a case-by-case basis by using best efforts to balance the competing interests of maintaining an orderly and efficient meeting against the constitutional and statutory rights of the attendees.

Overview

Pursuant to broad municipal powers and authority conferred on the city under the Home Rule City Act, Section 6.7 of the City Charter “Council organization, rules, and order of business” expressly provides that “The Council shall determine its own organization, rules and order of business...” Section. Section 6.4 of the City Charter “Meeting to be Public” further states “All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard *under such rules and regulations as the Council may prescribe.*”

City Council meetings are limited public forums subject to First Amendment protections where individuals may lawfully and peacefully gather and express comments, concerns and opinions regarding matters of public interest, governance and public officials¹. It is well settled that the

¹ By way of background, the First Amendment generally protects speech as well as access to public proceedings. [U.S. Const. amend. I](#); [United States v. Kincaide](#), 119 F.4th 1074, 1077 (6th Cir. 2024). But those rights are not without limits. *See, e.g., Kincaide*, 119 F.4th at 1078 (referring to the right of access as a “qualified right”). When assessing if a restriction on speech is constitutional, we first consider the nature of the forum. *See Youkhanna v. City of Sterling Heights*, 934 F.3d 508, 518–19 (6th Cir. 2019). Under that rubric, a city council meeting is considered a limited public forum. *Id.* at 519. In that setting, the government may impose reasonable restrictions on the content of speech so long as the restrictions do not “discriminate against speech on the basis of viewpoint” and are “reasonable in light of the purpose served by the forum.” [Good News Club v. Milford Cent. Sch.](#), 533 U.S. 98, 106–07 (2001) (internal quotation marks omitted). Relatedly, the government may place “limitations upon access” that “serve a legitimate governmental purpose” and are “rationally related to the accomplishment of that purpose.” [S.H.A.R.K. v. Metro Parks Serving Summit Cnty.](#), 499 F.3d 553, 560 (6th Cir. 2007) (quotation omitted). One such purpose is

exercise of First Amendment rights is subject to reasonable time, place and manner restrictions. Similarly, the Open Meetings Act requires that a public body permit citizens to address a meeting of the public body. However, the Act allows a public body to adopt rules which limit the period for public comment to a particular part of the meeting and to further limit the amount of time allocated to individual speakers. Furthermore, individuals committing a breach of peace at the meeting may be removed or excluded from an open meeting of a public body. *MCL 15.263(6)*.

Council adopted rules of audience participation pursuant to Resolution 2017-9 (copy attached) that primarily provides procedural guidelines and limitations for audience participation. The provisions in Resolution 2017-9 related to decorum and conduct are limited to language in the recitals stating “inappropriate language and personal attacks shall be considered a breach of peace” and other provisions stating “there shall be no audience by voice, clapping, or otherwise, showing approval or disapproval of remarks of a speaker or member(s) of the public body”. Other than Resolution 2017-9, staff and administration advise that no other rules of meeting decorum and conduct have been adopted.

Analysis

While Council has legal authority to adopt reasonable rules regulating decorum and conduct at city council meetings that do not unduly infringe upon the constitutional and statutory rights of the individuals who attend the meetings, developing and implementing a set of rules that effectively balances the competing interests of maintaining an orderly and efficient meeting against the constitutional and statutory rights of the attendees presents both practical and legal challenges. To further assist council in its deliberations, attached please find an article (“Civility in Local Government”) from the Ethics Handbook for Michigan Municipalities published by the Michigan Municipal League. The Article contains practical suggestions and rule provisions pertaining to proper decorum and conduct at meetings that may be of interest.

Adopting rules that expressly prohibit public officials and city staff from responding to public comment and/or that provide for adverse employment action in the event of a response by city staff and/or officials presents legal and practical concerns. Constitutional and statutory rights generally extend to all individuals, including city staff and public officials. City staff and public officials do not forever waive and surrender all constitutional and statutory rights generally conferred on the public at large simply by virtue of governmental employment. While case specific circumstances and situations may arise that warrant higher level restrictions on expressive conduct and speech by public officials and employees, an outright ban, and resulting punishment, on all responses to public comment at open meetings, including citizen attacks and accusations of wrongdoing levied against public officials, may potentially expose the city to claims and litigation for alleged improper retaliation against a responding public official for exercising legally protected rights and/or exacerbating reputational damages from alleged defamatory comments made during public comment by preventing the public official from providing a mitigating response.

Citizens often pose questions or criticisms directed at specific public officials or seek to engage public officials in debate or discourse during public comment that at times can create a disruptive

ensuring that official proceedings are “conducted in a quiet and orderly setting.” *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 581 n.18 (1980).

and argumentative meeting environment. However, providing responsive answers, discourse or information is often informative, mutually beneficial and can avoid or mitigate misunderstandings. A lack of responsiveness can create an appearance that the citizen is being disregarded, dismissed or ignored, or, in cases of accusations of misconduct or wrongdoing, a lack of responsiveness can potentially create a false impression that the public official has no response or defense to the accusations. However, answering questions, responsive interruptions and argumentative exchanges during public comment can be disruptive and potentially interfere with the speaker's public comment allotment. Regarding responses by public officials to public comment, suggested rules for consideration include the following:

- Public comment by members of the public, including questions or inquiries, shall be addressed to the council at large and not directed to individual elected or appointed officials.
- Unless authorized by Council, city officials and staff shall not speak, interrupt, or engage a speaker in debate, discourse or answering questions during public comment until a recognized speaker's public comment allotment has concluded.
- After a recognized speaker's public comment allotment has concluded, upon request to and recognition by the chairperson, city officials and staff may, without obligation, respond to a speaker's public comment including providing comment, information or answers in response to questions, comments or inquiries posed by a speaker during public comment. The chairperson may impose reasonable time limitations on responses by city staff and officials.

Other suggested audience participation/response rules pertaining to meeting decorum and conduct adopted by other communities and generally upheld by the courts include prohibitions on name calling; vulgarity and obscenity; false accusations of wrongdoing or criminal conduct made in reckless disregard of the truth; threats of violence, criminal conduct or use of force; shouting, argumentative or other disruptive behavior; willful disregard of the chairperson regarding the rules of audience participation; speaking out of turn or interrupting the meeting proceedings or recognized speaker with loud or disruptive behavior, etc.

Violations and enforcement of meeting conduct and decorum rules generally start with a warning from the chair; to being held out of order and surrendering the floor with instruction to return to appropriate seating and remain quiet; to being removed from the meeting by the sergeant of arms if the violative conduct continues. Rules providing for adverse employment action if city staff or officials violate meeting conduct and decorum rules likely exceed the limited rule making authority for maintaining orderly and efficient meetings. Moreover, preliminary research indicates employment related sanctions for violations of meeting rules may be unenforceable in the absence of a charter provision expressly authorizing such a sanction. Rather than relying on meeting rule making authority, adverse action or sanctions against a public official based in whole or in part for conduct at a public meeting should be exercised pursuant to general supervisory powers and authorities with due regard to potential legal protections afforded to the conduct in the context of a public forum that may afford higher levels of protection as compared to a non-public forum depending on the nature of the conduct in question.

Civility in Local Government: The Civil Society

By William L. Steude

While the subject of civility in government is a different concept than that of ethics in government, there can be little doubt that there is a close relationship between the two. It is hard to imagine that true ethical behavior would not be characterized by civil behavior, even though the opposite might not always be the case. The authors of this publication believe that these concepts complement one another, and for this reason have decided to include this chapter. We can find no better explanation and exposition of the subject than was set forth by our mentor, teacher and friend, Bill Steude, in an article entitled, "Civility in Local Government: The Civil Society," which appeared in the April 2001 issue of the Michigan Municipal Review. The article follows, in its entirety. – Editor

The decline in civil conduct and discourse, public and private, needs no documentation. But a search over the Internet under "civility" produces much that supports the case for its sharp decline and a yearning for its restoration. Universities have commissions to promote civility on campuses. Churches offer civility pledges to candidates for public office. Congress even had a civility camp where members and their families gathered to improve the courtesy level in the U.S. House of Representatives. The City of Bloomington, Indiana, established a task force for a safe and civil city, promoting discussion of what it means to be a civil participant. Several state jurisdictions have promulgated civil codes for practicing attorneys.

President George W. Bush, in his 13-minute inaugural address, referred to "civility" four times. He said, "Civility is not a tactic or a sentiment. It is the determined choice of trust over cynicism, of community over chaos."

To be civil, in ordinary understanding, means to be polite, respectful, decent, tolerant, graceful in language and gesture, tone, exercising restraint toward others, cooling the hot passions

of partisanship, adversarial and personalized argument, with magnanimity toward others.

The decline in civility in public affairs reflects the overall decline in American civility – in professional sports, the media, talk shows, politics, academics, interpersonal communication, even road rage. The loss of civility in our national life betrays more fundamental trends in our society and culture, argues Harvard Law Professor Stephen L. Carter in his recent book on civility.¹ He traces the historic, cultural and religious roots of civility that have withered or rotted and now account for the serious lapse in civil social behavior.

Civility probably cannot be codified into standards of behavior enforceable by penalty. In fact, civility codes for public officials may even set a lower threshold, and be an incentive for lowering, rather than raising standards, by setting what you can get away with, not how you should be.

There is no constitutional duty of a public official to be civil. But note Article I, Section 17 of the Michigan Constitution, in the same section in which the due process clause appears, which provides:

"the right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed."

This "fair and just treatment clause" does not speak to civility, but civility can help set the tone for demonstrating fair and just treatment in hearings and investigations.²

However impossible it may be to mandate, civility might be inspired by conscientious attention to the trappings of a meeting of a public body, by the physical setting, by the rules of procedure and the conscious example of members of the public body themselves.

The trappings of a meeting

Opening ceremonies, such as a prayer by a member of the clergy in the community, the pledge of allegiance to the flag led by Girl or Boy Scouts or by veterans, and a formal roll call of the members can set the level of respect with which such formality is usually accorded.

Remember, a city commission or council is an elected legislative body whose members take exactly the same constitutional oath of office taken by the governor and by every other elected official in the state. If members and the public have the respect for one another and from one another that reflects that status, a certain formal level of discourse and decorum might maintain a higher level of civility.

The physical setting for the meeting, the furnishings and seating arrangements, and even the council's attire influence and can elevate expectations about public deportment at council meetings. A card table or fold up table with folding chairs for the council members seems to belittle the office and may invite an informality that can slide into uncivil discourse or worse.

Money spent on decent furnishings and the setting is well worth the cost. It reflects the level of respect accorded by the community toward its self-government and its elected representatives.

Rules of procedure

No deliberative body can efficiently conduct its business without rules. A governing body has a relatively free hand in designing its own rules of procedure as long as constitutional (First Amendment), statutory (Open Meetings Act), and local charter requirements are not violated. Although most municipal governments which have rules seem to have automatically adopted *Robert's Rules*, *Robert's* does not necessarily have to be the primary source for local rules of procedure.

Robert's Rules of Order are complicated, highly detailed, and are intended primarily for large legislative bodies or for meetings of large associations whose membership may number

hundreds. Its procedures may be unnecessarily cumbersome for small governing bodies: the five-to-seven-member councils of most Michigan municipalities.³

For example, *Robert's* requires a second to support an ordinary motion and put it into debate, but a *small* body which meets weekly, fortnightly or monthly might opt not to require a second at all, but could proceed to debate directly if the rules permit it.

The complex details of parliamentary procedure may also confuse and frustrate elected officials and the public, particularly if the rules are seen as being manipulated for or against one side of an issue or the other, or are seen as being ignored, misunderstood or wrongly invoked. Such a use of the rules of procedure, or the perception of their *misuse*, will counter the very purpose of rules of procedure – to protect the minority and promote orderly deliberations and decisions, and will further undermine public confidence in government.

Truth in government depends on a set of procedural rules that are followed consistently, give equal opportunity for every member of the body to participate in making the decision, make for the most efficient procedure possible, and result in a decision by a majority of the body on the merits of the issue, not on manipulation of procedures.

A governing body ordinarily has the discretion to adopt its own simplified set of procedural rules, unless *Robert's Rules* or some other authority has been mandated by the municipal charter.⁴ Such rules do not automatically command civility, but a good set of rules may minimize the perception that the rules are drawn, or bent, to control an outcome. If parliamentary maneuvering is seen as manipulating the proceedings, a frustrated council member or minority, or the attending public, can erupt in anger.

Civility and decorum is strained by the gadfly, the activist and the protester, who tend to distrust government and those in government. If they engage in abusive and baseless charges, or monopolize a meeting, the presiding official can rapidly lose the ability to maintain order, unless the council backs a zero tolerance policy toward such disruptive behavior.

Personal attacks generate counter attacks and lead to verbal duels and free-for-alls difficult to break, leaving civility and decorum in the dust. The presiding officer in that event may have no choice except to declare a brief recess so tempers and rhetoric may cool.

A rule against personal attacks, applicable equally to members of the body and the public, can help keep a discussion “problem centered” and not “person centered.” A procedure to enforce a zero tolerance policy in progressive steps can be effectuated,

1. By reminding the speaker of the rule if a violation occurs.
2. If the misconduct persists, by calling the speaker to order, citing the rule—a formal warning which may cause the speaker to lose the floor, if the rule so provides (although it may also authorize restoring the floor to the speaker if the abuse ends and the body formally permits the speaker to resume); or
3. If the abuse still persists after warnings, the chair “names the offender”—a last resort step which has the effect of preferring charges. The presiding officer states what the offender has done. The body then decides how to penalize the member, if the offender is a member of the governing body. The rule could specify a range of penalties—e.g. reprimand, formal censure, or municipal civil infraction. If the offender is a member of the public, the presiding officer may order the offender to be escorted from the meeting room.⁵

A rule limiting the length of council meetings and speeches by elected officials and the public will contribute to keeping the deliberations on point. No good government is likely to occur in the late night hours of a meeting when the limits of patience strain the limits of civility.

Procedural rules that permit and promote flexible opportunities for public input may diffuse public frustration at being foreclosed from opportune comment and encourage constructive debate. For example,

- Schedule public comment time at the beginning of the meeting (or of a work session), rather than at the end of the meeting.
- Provide a short time for public comment at the first reading of an ordinance, rather than, or in addition to, at the second reading; (preliminary public comment may surface overlooked problems early and minimize any perception at the second reading that the work has already been done and gone too far to be altered and the issue already decided).
- Hold regular meetings explicitly for public participation separate from or in conjunction with and preceding the regular council meeting.

Titles and debate

How members of a governing body address one another and how the public is conditioned to address the council can promote the level of civility if formalities are observed. Using the “first name” may be appropriate in a casual street encounter or on the phone with a friend or neighbor who is a colleague on the council or a constituent, but it is not appropriate in a formal session of the governing body when addressing one another.

Titles may be a source of sensitivity to gender biased titles.

“Commissioner” when the legislative body is a commission is an easy gender-free title. “councilman” requires its counterpart, “councilwoman,” but “councilmember” fits either, and “councilor” is a shorter alternative. “Trustee” will work for general law villages. “Madam” or “mister mayor,” or just plain “mayor” works for cities. “Madam” or “mister president,” or just plain “president” works for a village presiding officer.

If the title is not in the municipal charter, the rules of procedure can establish the titles, how to address one another, and the practice that members of the public should be requested to follow suit. For example, “Council members shall be addressed as “councilor.”

Remember, a local government council is not only a local elected legislative body with chartered status. A council acquires a quasi-judicial character when it sits as a zoning board of appeals or other appellate hearing body. The decorum should reflect the quasi-judicial duty to be, and seem, judicious and dignified.

Judge Learned Hand was right: "(This) much I *think* I do know—that a society so driven that the spirit of moderation is gone, no court can save; that a society where that spirit flourishes, no court need save; that a society which evades its responsibility by thrusting on the courts the nurture of this spirit, that spirit in the end will perish." The same might be said of civility.

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1. Stephen L. Carter, *Civility: Manners, Morals and the Etiquette of Democracy*, 1998, Basic Books.
 2. Violation of fair and just treatment in a legislative hearing was the basis for a \$7.6 million judgment against the Detroit Board of Education in an unpublished opinion of the Michigan Court of Appeals in *Jo-Dan Ltd. v. Detroit Board of Education*, No. 201406, July 14, 2000.
 3. A Michigan Municipal League survey of councils disclosed 80 with 5 members; 2 with 6; 420 with 7; 11 with 8; 15 with 9; 3 with 10; and 2 with 11 members. Of 533 councils, 502, or 94%, had 7 or fewer members.
 4. See *Suggested Rules of Procedure for Small Local Government Boards*, A. Fleming Bell II, Institute of Government, 2nd edition, 1998, presented to the IMLA 65th Annual Conference, 2000.
 5. See David M. Grubb, "Maintaining Civility at Council Meetings," *New Jersey Municipalities*, March 1995, pp. 24, 47-48 for a good discussion of this. See also Webster's New World *Robert's Rules of Order, Simplified and Applied*, 1999, pp. 155-156.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE

A RESOLUTION ESTABLISHING RULES FOR AUDIENCE
PARTICIPATION DURING MEETINGS PURSUANT TO THE
REQUIREMENTS OF THE CITY CHARTER AND THE OPEN
MEETINGS ACT

RESOLUTION 2017-9

At a regular meeting of the City Council of the City of Walled Lake, Oakland County, Michigan, held in the Council Chambers at 1499 E. West Maple, Walled Lake, Michigan 48390, on the 17th day of January, 2017 at 7:30 p.m.

WHEREAS, in accordance with City Charter, Section 6.4 all regular and special meetings of the Council shall be open to the public and citizens shall have an opportunity to be heard under such rules and regulations as the Council may prescribe; and

WHEREAS, this information is designed to provide an understanding of the format and proceedings of Audience Participation to assist in effectively communicating and working with City Council and Administration; and

WHEREAS, Audience Participation is a time for persons to voice their thoughts with City Council, they will not respond to comments; and

WHEREAS, remarks shall be limited to those pertaining to matters before the Council, to City business or policy, or to issues of community concern or interest; and

WHEREAS, there shall be no audience by voice, clapping, or otherwise, showing approval or disapproval of remarks of a speaker or members(s) of the public body; and

WHEREAS, comment upon action, inaction, or performance of the Council and the City of Walled Lake commissions, boards, employees and consultants is allowed, inappropriate language and personal attacks shall be considered a breach of the peace.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Walled Lake, County of Oakland, State of Michigan that:

Section 1. There shall be one agenda item for Audience Participation immediately following the approval of the minutes.

Section 2. When a person desires to speak, he/she must first be recognized by the Presiding Officer, then stand and state his/her name and address.

Section 3. Each Individual shall be allowed three (3) minutes to address the Council, unless such a period of time is extended by a majority vote of the Council.

Section 4. No member of the audience may speak more than once without the consent of a majority of the Council present.

Section 5. No member of audience may speak during any other part of the meeting without majority consent of the Council present.

Section 6. Members of Council may direct a question to a member of the audience, after recognition by the Chair, and that person may give an answer.

Section 7. At the discretion of the Presiding Officer, members of the audience addressing Council shall come before the podium.

Section 8. A person may be excluded from a meeting otherwise open to the public if there is a breach of the peace actually committed at a meeting.

Section 9. The City Clerk is instructed and authorized to publish these Rules and Regulations.

Motion to approve Resolution was offered by Owsinek and seconded by Robertson.

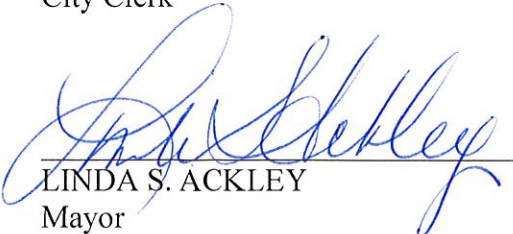
AYES: (6) Ackley, Ambrose, Loch, Lublin, Owsinek, Robertson
NAYS: (0)
ABSENTS: (1) Helke
ABSTENTIONS: (0)

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)



JENNIFER A. STUART
City Clerk



LINDA S. ACKLEY
Mayor

From: [James Arnold](#)
To: [Jennifer Stuart](#)
Subject: ZBA
Date: Wednesday, April 22, 2026 4:14:19 PM

Hi Jennifer,

Per our discussion, I'd like to resign from zba.

Jamie

Get [Outlook for iOS](#)