



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 16, 2016
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 Ambrose

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

ABSENT:

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

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

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

CM 02-01-16 APPROVAL OF THE JANUARY 19, 2016 REGULAR COUNCIL MINUTES

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To approve the January 16, 2016 Regular Council Minutes.

AUDIENCE PARTICIPATION:

Marybeth Novitsky, 138 Sandy Lane – said they provided a document in response to tonight’s resolution. She said there are a few errors in the resolution. She said first of all Joe Novitsky did present the drawings for the 14 or 15 boat slips according to the parameters they were given. She said no more than 15. She said he presented it three times to the Planning Commission three times. She said the resolution reads 16 slips and that it was not presented to the Planning Commission and she said it was presented three times. She said if this resolution is the official she would think council would want the correct information noted. She said they informed council last at their last meeting they have applied to the Michigan Department of Environmental Equality (MDEQ). She said it is a process and they are in the review stages. She said they are hoping to get a response pretty soon from them. She said they have every reason to believe they will be allowed to have their dock there or marina or whatever council chose to call it because of their riparian rights. She said that is what the MDEQ personnel said to them and that is why they are moving forward. She said they have a MDEQ permit in the process. She said they were

blind sighted at the last council meeting when council voted. She said she told council in advance that Gary Benedict who is president of the Association on Leon Road is willing to work with them and he signed off on all three of the docks. She said he did not care because their dock is not near him; they are near the people next to him which is a condominium complex consisting of three apartments. She stated he said they could share his ramp. She stated he said he was in favor of the boat slips because East Bay Association would then help pay for his association ramp. She said East Bay Village has ramp access and the Leon Association has signed off on them using it. She asked Council if they had any further questions.

Mike Walker, 100 East Bay – said he spends a lot of time on the lake. He said there are few boats on the lake and most of the time only on holidays or afternoon timeframe do you find crowding. He said the impact of these few slips and boats would be minimal with respect to what's on the lake.

COUNCIL CONSIDERATION:

1. 313 S. Pontiac Trail rezoning from RM-1 to R1-B

Ms. Rodgers explained this request is a rezoning from RM-1 to R1-B. She said they attended the February 9th Planning Commission meeting and their request was approved, it was then referred to Council for approval. She said the applicant's mother is planning on living in the new home.

Applicant, Mr. Tom Langan, said they did not know it was zoned as RM-1 until they purchased the home. He said they assumed because there was a single family home there, it was zoned single family. He said they are asking for Council's approval for rezoning to build a single family home for their mother.

CM 02-02-16 APPROVAL OF THE REZONING FOR 313 S. PONTIAC TRAIL REZONING FROM RM-1 TO R1-B WITH THIS BEING MORE CONSISTENT WITH THE REST OF THE SINGLE FAMILY HOMES IN THE AREA

Motion by Robertson, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve the rezoning for 313 S. Pontiac Trail from RM-1 to R1-B with this being more consistent with the rest of the single family homes in the area.

2. Purchase of Police Vehicle

Police Chief Shakinis said they solicited for three bids to replace their oldest police car a 2012 Dodge police vehicle. He said Sterling Heights Dodge provided the lowest bidder at \$24,782. He said they are recommending approval of low bidder and funds will come from line item 101 300 981 001. He said he is also asking for approval of a single source bidder; Canfield Equipment of Warren for the equipment installation. He said he has been very satisfied with their services.

Mayor Ackley said with only a \$26.00 difference from keeping the business within the city, she asked if council would make an exception to forgo the lowest bidder and keep the business local. Council agreed.

**CM 02-03-16 APPROVAL TO ACCEPT SHUMAN CHRYSLER DODGE BID
EVEN WITH THE EXTRA \$26.00 WITH THIS BEING IN THE
BEST INTEREST OF THE CITY**

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve purchase approval to accept Shuman Chrysler Dodge bid even with the extra \$26.00 with this being in the best interest of the city

**CM 02-04-16 MOTION TO APPROVE SINGLE SOURCE BIDDER CANFIELD
EQUIPMENT OF WARREN FOR \$5,161 FOR THE POLICE
VEHICLE EQUIPMENT INSTALLATION FROM LINE ITEM 101
300 981 001**

Motion by Lublin, seconded by Loch, CARRIED UNANIMOUSLY: To approve single source bidder Canfield Equipment of Warren for \$5,161 for the police vehicle equipment installation from line item 101-300-981-001.

3. Consideration of Metro Environmental Services for Portable Restroom Services

Ms. Rodgers said the bid is from Metro Environmental and they provided a contract for the same amount as last year. She said funds would come from line item is 101 690 948 000.

**CM 02-05-16 APPROVAL OF THE METRO ENVIRONMENTAL SERVICE
CONTRACT FOR PORTABLE RESTROOM SERVICES**

Motion by Owsinek, seconded by Lublin, CARRIED UNANIMOUSLY: To approve the Metro Environmental Service Contract for portable restroom services.

COUNCIL REPORT:

1. Report from Trailway Council representative Council Member Owsinek

Council Member Owsinek reported that Trailway Council members; Wixom and Commerce passed the recommended budget at their last meetings and he provided the proposed budget handout to council.

Mayor Ackley said the Trailway Council is requesting a budget approval for a management person of the trail. Council Member Owsinek said yes it is outlined in the budget. He said the purchase of the trail is inevitable and this project is moving forward.

Council Member Lublin asked if this proposed budget document was not part of the trailway purchase agreement. He said it is proposed that all three communities would be sharing the cost to hire a trailway director. Council Member Owsinek said this is what the City would have to provide to obtain a trail director for the Trailway. He said the Trailway Council will be hosting interviews shortly. He said trailway groups are required to have a trail director to funnel all the grant information through.

Mayor Ackley asked what the \$45,000 is for. Council Member Owsinek said that is for the administrator position of the trailway. She asked what has been the discussion amongst the

Trailway Council about going out for bids for the administrator, attorney, and director positions etc. She asked what the process is going to be for obtaining bids for all these positions. Council Member Owsinek said the railroad initially addressed the duties of these positions. He said this proposed budget is what is being requested to get this project up and running and hire a trailway director.

Mayor Ackley said she is not comfortable accepting the proposed budget without obtaining bids first.

Council Member Owsinek said the Trailway Council will be interviewing four potential groups for management of the trail. He said every vote has to be a unanimous vote; it is tax payer money now and not the railroad anymore.

Council Member Robertson said he has an issue because of a previous instance. He said a particular engineering firm was voted on by the Trailway Council to perform a survey but yet a different engineering firm was brought in to do the job. He said he wants to be sure.

Council Member Lublin asked if the City has budgeted for these items. Council Member Owsinek said no, this will have to be placed in the annual budget for the City.

Mayor Ackley asked when the funding was due. Council Member Owsinek said the trailway budget cannot come into effect until the proposed budget is approved.

Mayor Ackley said the City still needs to figure out where their portion of the money is coming from. She asked if council makes a motion tonight, she would ask that council agree to the proposed budget contingent upon everything going out to bid and if it does not go out for bid the City reserves the right to refuse and not participate until that is done.

City Attorney Vanerian said Council can make a motion subject to conditions that the trailway contracts go out to bid. He said technically if that is part of the council's motion and it was not satisfied then the proposed budget would fail with this body and the Trailway Council would have to bring it back before this council for approval.

Council Member Lublin asked the City Manager where he sees this going. City Manager Whitt said the purchase of the trail was off to a slow start. He said the Trailway Council was required to have a budget to begin with. He said agreed the approval of the budget should be contingent upon going out for bids. He said this body is granting Council Member Owsinek, as the Walled Lake trailway representative, the voice of council for trailway voting. He said this is now a cost to the tax payer. He said the proposed budget is just to find the administration personnel only. He said council needs to follow this through as there is no going back. He said this vote is to put together a trailway administration to obtain the grants. He said no matter what is done, the city is now responsible for perpetual maintenance of the trail. He said this cannot be shut down; the City is all in with the purchase of the trail at this time. He said each member of council needs to review the trailway documents.

City Manager Whitt said funding will be coming from the City's General Fund.

**TRAILWAY BUDGET NOT TO EXCEED \$38,000;
CONTINGENT UPON ALL CONTRACTS BEING PUT OUT FOR
BID PROPOSALS AND IF NOT SATISFIED THE
CITY RESERVES THE RIGHT TO WITHHOLD FUNDS**

Motion by Lublin, seconded by Robertson, CARRIED UNANIMOUSLY: To authorize City Trailway Representative Owsinek to approve proposed Trailway budget not to exceed \$38,000; contingent upon all contracts being put out for bid proposals and if not satisfied the city reserves the right to withhold funds.

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

- a. Police
- b. Fire
- c. Code Enforcement
- d. Finance
 - Warrant Report #2-2016
 - December 2015 Executive Summary
 - December 2015 Revenue/Expenditure Report

**CM 02-07-16 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL /
DIVISIONAL STATISTICAL REPORTS**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To receive and file the monthly departmental / divisional statistical reports.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

- 1. Executive Session to discuss pending Federal litigation: Bailey Xenos Holdings, LLC et al v. Walled Lake: Case No. 2:15-cv-12125-LJM-RSW**

City Attorney Vanerian said he is requesting attendance of Carol Rosati, the City's insurance defense attorney, John Jackson, City planner, Tom Ryan, facilitator, and Chelsea Rodgers, Confidential Assistant to be present for this executive session.

**CM 02-08-16 REQUEST FOR EXECUTIVE SESSION TO DISCUSS PENDING
FEDERAL LITIGATION: BAILEY XENOS HOLDINGS, LLC ET
AL V. WALLED LAKE: CARE NO. 2:15-CV-12125-LJM-RSW TO
INCLUDE ATTENDANCE OF CAROL ROSATI, CITY'S
INSURANCE DEFENSE ATTORNEY, JOHN JACKSON, CITY
PLANNER, TOM RYAN, FACILITATOR, AND CHELSEA
RODGERS, CONFIDENTIAL ASSISTANT TO BE PRESENT FOR
THIS EXECUTIVE SESSION**

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To enter into executive session to discuss pending Federal litigation: Bailey Xenos Holdings, LLC et al v. Walled Lake: Case No. 2:15-cv-12125-LJM-RSW to include attendance of Carol Rosati, City's insurance defense attorney, John Jackson, City Planner, Tom Ryan, Facilitator, and Chelsea Rodgers, Confidential Assistant to be present for this executive session.

Roll Call Vote:

Yes: (7) Ackley, Ambrose, Helke, Loch, Lublin, Owsinek, Robertson
No: (0)
Absent: (0)
Abstain: (0)

(7-0) MOTION CARRIED

2. Executive Session to discuss pending labor dispute and personnel issue

CM 02-09-16 REQUEST FOR EXECUTIVE SESSION TO DISCUSS PENDING LABOR DISPUTE AND PERSONNEL ISSUE

City Manager Whitt said there was a Fire Department arbitration scheduled for February 26th however, the union has accepted the disciplinary recommendation and that issue was resolved. He said however, there is a second grievance that has since been filed regarding layoffs.

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To enter into executive session to discuss pending labor dispute and personnel issue.

Roll Call Vote:

Yes: (7) Ackley, Ambrose, Helke, Loch, Lublin, Owsinek, Robertson
No: (0)
Absent: (0)
Abstain: (0)

(7-0) MOTION CARRIED

UNFINISHED BUSINESS:

1. Proposal for Water Reliability Study

Ms. Rodgers said this is the last remaining component of the water and sewer rate study that began last year. She said the monthly line fees did not increase with the water rate increase. She said this study will also include an asset management plan quote.

CM 02-10-16 MOTION TO APPROVE BOSS ENGINEERING'S WATER RELIABILITY STUDY PROPOSAL

Motion by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY: To approve Boss Engineering Water Reliability Study Proposal.

NEW BUSINESS:

1. Proposed Resolution 2016-06 A Resolution of Findings Regarding Denial of East Bay Village Planned Unit Development (PUD) amendment

City Attorney Vanerian said this is a proposed resolution of findings regarding East Bay Village Association PUD amendment denial. He said East Bay Village Association made a presentation at the last council meeting. He said this resolution provides findings in support of the action taken by council at the last meeting. He said the approval criteria are outlined in tonight's resolution. He said the resolution does read sixteen (16) boat slips, he said council can still approve subject to the number of boat slips being correctly stated in the resolution.

Council Member Robertson said the resolution clears up the question of a marina and the storage of boats. He said this should be passed for further clarity

CM 02-11-16 MOTION TO APPROVE RESOLUTION 2016-06 A RESOLUTION OF FINDINGS REGARDING DENIAL OF EAST BAY VILLAGE PUD AMENDMENT WITH THE NUMBER OF BOATS SLIPS TO BE CORRECTED

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2016-06 a resolution of findings regarding denial of East Bay Village PUD amendment with the number of boats slips to be corrected.

2. Proposed Resolution 2016-07 A Resolution Appointing a "City of Walled Lake Street Administrator"

Ms. Rodgers said this resolution is a formality for the paperwork to be submitted appropriately.

CM 02-12-16 MOTION TO APPROVE RESOLUTION 2016-07 APPOINTING CHELSEA RODGERS AS STREET ADMINISTRATOR FOR THE CITY OF WALLED LAKE

Motion by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2016-07 Appointing Chelsea Rodgers as the Street Administrator for the City of Walled Lake.

3. Proposed Resolution 2016-08 A Resolution Providing for Approval of a Charitable Gaming License Application for the Walled Lake Area Alano Club (WLAAC)

City Manager Whitt said the City will continue to due diligence in reviewing these sites and application requests. He said the State requires the local governing body pass a resolution.

CM 02-13-16 MOTION TO APPROVE RESOLUTION 2016-08 PROVIDING FOR APPROVAL OF A CHARITABLE GAMING LICENSE

**APPLICATION FOR THE WALLED LAKE AREA ALANO CLUB
(WLAAC)**

Motion by Ambrose, seconded by Lublin, CARRIED UNANIMOUSLY: To motion to approve Resolution 2016-08 providing for approval of a charitable gaming license application for the Walled Lake Area Alano Club (WLAAC).

4. Proposed Resolution 2016-09 Budget Amendment

Council Member Loch said she attended the recent Parks and Recreation Commission meeting and they discussed the need for new event signs.

**CM 02-14-16 MOTION TO APPROVE RESOLUTION 2016-09 BUDGET
AMENDMENT**

Motion by Lublin, seconded by Helke, CARRIED UNANIMOUSLY: To approve Resolution 2016-09 Budget Amendment.

AUDIENCE PARTICIPATION: None

COUNCIL COMMENTS:

Council Member Lublin said there was a library board meeting last month but he was not well enough to attend. He will be at the next one.

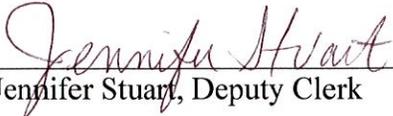
Mayor Pro Tem Ambrose said he has received several questions about the structure at the corner of E. Walled Lake Drive and Pontiac Trail. He asked if the City has any ordinances in place that provide a time limit for this type of clean up. City Manager Whitt said the cleanup is a great concern. He said the Code Enforcement Officer is reviewing the area daily. He said it is a priority for the cleanup. He said there are internal issues with the owners of the site that are being worked through as well.

Council recessed 8:20 p.m.

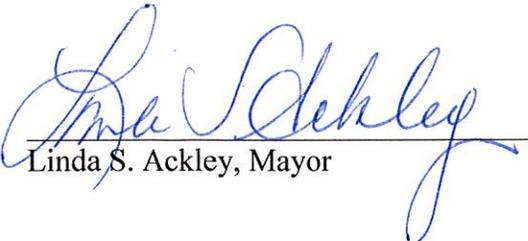
Council entered into executive session at 8:34 p.m.

Council rose from executive session at 10:21 p.m.

Meeting adjourned at 10:22 p.m.



Jennifer Stuart, Deputy Clerk



Linda S. Ackley, Mayor