



**REGULAR COUNCIL MEETING  
PUBLIC HEARING  
TUESDAY, FEBRUARY 18, 2020  
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 Costanzo, Council Member Loch, Council Member Owsinek, Council Member Woods

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

**CM 2-1-20 MOTION TO EXCUSE COUNCIL MEMBER LUBLIN**

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: To excuse Council Member Lublin.

**REQUESTS FOR AGENDA CHANGES:**

Mayor Ackley requested to add under Mayor's Report board and commission appointments.

**PUBLIC HEARING:**

1. Case 2020-02  
Applicant: Apex Ultra Worldwide, LLC  
Location: 1760 E. West Maple Road  
Request: Non-Use Variance

The City Council pursuant to Ordinance No. C-337-18 for limited purposes of hearing and acting upon an appeal under this ordinance, shall act as, and in place of, the Zoning Board of Appeals pursuant to Section 601 of the Michigan Zoning Enabling Act.

This matter relates to property located at 1760 E. West Maple zoned C-2. The applicant is seeking a variance 21.50 (1) requesting an extension of Site Plan Approval.

City Attorney Vanerian explained this is City Council Case 2020-02 applicant is Apex Ultra Worldwide location at 1760 E West Maple Road. The request is for a non-use variance for an

extension of an approved site plan for marijuana facility. Attorney Vanerian explained the site is zoned C-2 and the applicant is seeking a variance from Section 21.50 (l).

Attorney Vanerian explained the applicant received site plan approval on May 28, 2019 from the Planning Commission for a marijuana provisioning center to be constructed on an undeveloped parcel of land. The applicant was sent a form notification letter that always goes out after any site plan approval from the Planning Commission with any conditions that were attached to that approval. Attorney Vanerian said the approval letter explains the approval is good for one year. Under the city's zoning Ordinance, all developments that receive site plan approval are good for one year which means the applicant has one year to pull a building permit for the project, if the applicant does not the site plan approval will expire. The city's Marijuana Facility Ordinance shortens that period of time to 180 days and there also an additional 90-day extension that can be requested by the applicant and granted. In this case the applicant has been moving forward with the new development on a vacant piece of land and does present a number of unique challenges as it relates to soil conditions and meeting engineering requirements for storm water detention facilities.

Attorney Vanerian explained it is a straight forward issue, the council is called upon to exercise its variance powers as it relates to the 180 days expiration and it requires the applicant to demonstrate a practical difficulty, unique situation that was not self-created that would warrant a variance from the shorter 180 day expiration provisions. Attorney Vanerian explained the memo he prepared outlines the five criteria to be met to grant the variance request. Attorney Vanerian said the applicant's attorney is present this evening to explain applicants' position.

### **Open Public Hearing 7:35 p.m.**

Attorney David Rudoi, representing Apex Ultra Worldwide, Michael Beydoun, architect, and owners Anthony Virga and Ryan McMullen.

Mr. Rudoi explained he and his applicant have been working diligently, this is not a case where Apex Ultra has been dragging their feet, there are unique aspects to this property that have caused some delays with engineering. Attorney Rudoi explained after the purchase of the property, when soil boring were done, the property was found to be sitting on 20 feet of crushed concrete and that has presented some unique challenges with this property. Attorney Rudoi explained the applicant's architect and engineer have been working through the process with the city consulting engineer, Boss Engineering. Attorney Rudoi explained there has been a lot of back and forth between the reviews for example, in a review the city engineer requested, due to the water table and crushed concrete, the whole site be raised two feet. Mr. Beydoun provided a new site plan and that plan required a retaining wall. Attorney Rudoi explained the storm drain hook up provided issues with neighboring properties. The city had specific requirements with the easement to be able to use the storm drain and after a lot of negotiation back and forth with neighboring property owners, unfortunately an agreement was not able to be reached. Attorney Rudoi explained Apex then redesigned and created a retaining pond on their second site which falls in Commerce Township and those plans had to be approved with Commerce Township.

Attorney Rudoj said the approval has been gained from Commerce Township. Attorney Rudoj explained Apex has been moving as quickly as possible given the unique aspects of this particular site and the requirements that need to be met. Attorney Rudoj said they have been through nine different site plan approvals now, it does look according to Mr. Beydoun, the most recent submittal will be approved.

Attorney Rudoj explained a lesser variance would not allow the use of the property, Apex is eager to move forward. Attorney Rudoj said these issues were not self-created they are unique to the property that could not have been known about the property before purchasing it, obtaining the soil boring samples and starting the engineering. Attorney Rudoj explained Apex and Mr. Beydoun have been working to design the property to meet the engineering goals. Attorney Rudoj explained there are three parcels involved to meet these requirements, Apex has been doing everything they can do to move as quickly as possible. Attorney Rudoj opined that given the unique aspects of this property, the project could have been done faster. Attorney Rudoj said Mr. Beydoun has done hundreds of similar type site plans that have been approved by other cities, every piece of property has its unique complexities. Attorney Rudoj explained the city ordinance did favor new builds, this particular piece of property had delays that were not the fault of Apex. Attorney Rudoj said he and his applicant implore City Council to grant this variance.

Mayor Ackley asked the length of variance being requested. Attorney Vanerian explained it is up to the applicant for the length of the extension they are asking for.

Attorney Rudoj explained they are requesting the normal site plan approval process time, one year and he understood on the agenda tonight was to amend the marijuana ordinance to remove the 180 days.

City Manager Whitt explained the consulting city engineer and administration have no problem with the extension and recommend approval of request.

#### *AUDIENCE PARTICIPATION*

David Maxon, 1386 Appleford – said council needs to get up and walk out of this building. Mr. Maxon said the city is going down the toilet because of council, there is talk on Facebook that the city is going to riot. Mr. Maxon said this is not what they want but will do this to get their city back. Mr. Maxon said they will shut the city down. Mr. Maxon opined to turn the city over to Oakland County they are addressing dispatch and water and sewer already.

Attorney Mark Roberts, Secrest Wardle represents Pincanna, LLC – explained they have submitted a site plan in June of 2018 and the plan has not been reviewed by the Planning Commission as of yet. Attorney Roberts explained Pincanna is a marijuana provisioning applicant. Attorney Roberts opined Apex has had more than enough time, they recognized they bought this property that has been on the market for twenty years. Attorney Roberts explained he is somewhat familiar with the city and this property has been attempted to be developed

before and it has always run into problems. Attorney Roberts said he is here tonight to advocate on behalf of Pincanna to deny the variance or at least schedule the Pincanna site plan review for the Planning Commission even if it is a contingent approval if for some reason Apex cannot proceed, Pincanna would like the opportunity. Attorney Roberts explained Pincanna's proposal includes a significant investment to an existing building in the gateway to the city landscaping, parking, façade work, new building construction, and new water and sewer connections. Attorney Roberts explained Pincanna is self-funded and there will not be any hold up for financing and they bring significant expertise to the marijuana industry and are ready to go. Attorney Roberts said Pincanna will only be a medical marijuana treatment center.

**Close Public Hearing 7:48 p.m.**

City Manager Whitt explained the city received Pincanna's application. He explained the city has had ten years prior experience with the people from Apex (Bazonzoes) who have done nothing illegal or improper and operated within the law. City Manager Whitt explained administration is not opposed to the other facility, Pincanna's request may be something to consider, a contingent approval, however, he deferred to the city attorney if both instances could occur.

City Attorney Vanerian explained under the city's marijuana regulations only 2 licenses are available in the C-2 District, the Planning Commission approved two site plans in the C-2 District, Apex and Attitude Wellness. Attorney Vanerian explained right now there are no more licenses to award in the C-2 District. Attorney Vanerian explained if one of the approved facilities should fall through and a license became available in the future, the city would review the other applications and based on the merits and priorities of those applications.

Mayor Pro Tem Ambrose expressed maybe having a plan B in case the 90-day extension does not work for Apex and should the city start a site plan review process for another applicant.

City Attorney Vanerian explained further that if the city had to cross that bridge, the city would review applications they currently have, some applications are reviewed by the Planning Commission, and some are reviewed for an existing building. Attorney Vanerian explained there are a lot of different factors and criteria to decide. Attorney Vanerian said the city received over twenty applications for only two available licenses in the C-2 District.

City Manager Whitt explained there is a licensing process in place and the city is following that process.

**CM 2-2-20 TO APPROVE CITY COUNCIL CASE 2020-02 VARIANCE  
REQUEST FOR A 90 DAY EXTENSION FOR APEX ULTRA  
WORLDWIDE**

Motion by Loch, seconded by Owsinek

Discussion

City Attorney Vanerian explained the applicant is seeking a site plan approval be extended through, for a full year, from the date of approval. Attorney Vanerian explained it would benefit to identify an actual date.

City Manager Whitt explained 90 days may not be enough time and the engineering has to be right and the city has been working with Apex. Manager Whitt explained the applicant is asking for a year and administration does not oppose that extension.

Mayor Ackley explained the meeting of the five variance criteria should be included in the motion.

Council Member Owsinek explained the end date would then be May 31, 2020.

Attorney Vanerian explained the applicant is seeking the same site plan expiration provisions apply in their case that would apply to every other development in the city. Attorney Vanerian explained the applicant would have one year from the date of their site plan approval to pull a building permit and commence construction. Attorney Vanerian explained under the marijuana facility ordinance it makes reference to either obtaining or applying for a State license and that would toll the running of the one-year expiration period.

**CM 2-2-20 AMEND MOTION TO APPROVE CITY COUNCIL CASE 2020-02 VARIANCE REQUEST TO INCLUDE THAT APPLICANT HAS DEMONSTRATED A PRACTICAL DIFFICULTY AND MET THE FIVE CRITERIA FOR A VARIANCE; ORIGINAL SITE PLAN APPROVAL WAS GRANTED MAY 21, 2019 AND APPLICANT WILL HAVE ONE YEAR FROM MAY 31, 2019 TO APPLY FOR AN BE ISSUED A BUILDING PERMIT BY MAY 31, 2020 THAT WILL TOLL THE RUNNING OF THE EXPIRATION PERIOD**

Motion by Loch, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve City Council Case 2020-02 variance request to include that applicant has demonstrated a practical difficulty and met the five criteria for a variance; original site plan approval was granted May 21, 2019 and applicant will have one year from May 31, 2019 to apply for an be issued a building permit by May 31, 2020 that will toll the running of the expiration period.

#### Roll Call Vote

Ayes (6)	Ambrose, Costanzo, Loch, Owsinek, Woods, Ackley
Nays (0)	
Absent (1)	Lublin
Abstention (0)	

**APPROVAL OF THE MINUTES:**

**1. Regular Council Meeting and Public Hearing of January 21, 2020**

**CM 2-3-20 MOTION TO APPROVE THE REGULAR COUNCIL MEETING  
AND PUBLIC HEARING OF JANUARY 21, 2020**

Motion by Owsinek, seconded by Woods, UNANIMOUSLY CARRIED: To approve the Regular Council Meeting and Public Hearing of January 21, 2020.

Roll Call Vote

Ayes (6)	Loch, Owsinek, Woods, Ambrose, Ackley
Nays (1)	Costanzo
Absent (1)	Lublin
Abstention (0)	

**2. Special Meeting and Public Hearing of January 28, 2020**

**CM 2-4-20 MOTION TO APPROVE THE SPECIAL MEETING AND PUBLIC  
HEARING OF JANUARY 28, 2020**

Motion by Loch, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve the Special Meeting and Public Hearing of January 28, 2020.

Roll Call Vote

Ayes (6)	Loch, Owsinek, Woods, Ambrose, Costanzo, Ackley
Nays (0)	
Absent (1)	Lublin
Abstention (0)	

**AUDIENCE PARTICIPATION:**

Linda Hyaduck, representative from office of Senator Jim Runestad – invited council and residents to a finance committee meeting at the Novi Civic Center, Monday February 24, 2020 10am to noon.

Janice Leonhardt, 232 W. Walled Lake Drive – on behalf of the Commerce Historic Commission invited council to upcoming event they will be having. Mrs. Leonhardt explained Oakland County will be celebrating its 200<sup>th</sup> birthday, March 28<sup>th</sup> and there will be an open house at the Stonecrest building in Walled Lake. Mrs. Leonhardt explained one of the items of celebration are those historic individuals buried in the Commerce and Walled Lake cemetery. Mrs. Leonhardt

explained Mr. Dave Decker is interred in the Walled Lake cemetery and he is one of the descendants on behalf of naming Decker Road.

Mayor Ackley added under New Business council's consideration of support for cemetery research of individuals interred.

Trisha Parsons, Nino's Bakery – asked about the follow up on sidewalks and signage for parking.

Marie Brown, audience member – shouted at Mr. Whitt, stating he was a liar and opined BDS should have a license to operate and asked why it is being held up.

Mayor Ackley explained this is not a question and answer session.

### **COUNCIL REPORT:**

Mayor Pro Tem Ambrose explained studies have been done between Ferland and Pontiac Trail. Mr. Wolfson from the Planning Commission is working with him on obtaining contact information of the surrounding businesses. Mayor Pro Tem Ambrose explained there is survey work currently being done and obtaining that vital information is the first step.

Council Member and Trailway Representative Owsinek explained May 6<sup>th</sup> the trail council will be having a celebration of opening of the trail. Member Owsinek explained the Hawk System traffic signals for the trail are awaiting approval from the Oakland County Road Commission.

### **CITY MANAGER REPORT:**

#### **1. Departmental / Divisional Statistical Reports**

- a. Police**
- b. Fire**
- c. Finance**
  - Warrant**
- d. Code Enforcement**

**CM 2-5-20 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS**

Motion by Loch, seconded by Ambrose, UNANIMOUSLY CARRIED: To receive and file the monthly Departmental / Divisional Statistical Reports.

Discussion

Council Member Woods asked if the salt purchase contract is set up to purchase in the summertime or is this a replenishment.

City Manager Whitt explained the city does have a salt purchase contract and

Assistant City Manager Pesta explained the city participates in a local agreement with Farmington Hills, they complete the bid process in partnership with the city and other municipalities for a lower rate. Mrs. Pesta explained Detroit Salt has been the vendor for the last five years and the city does order during the summertime for that year's use.

#### Roll Call Vote

Ayes (6)	Owsinek, Woods, Ambrose, Costanzo, Loch, Ackley
Nays (0)	
Absent (1)	Lublin
Abstention (0)	

City Manager Whitt explained city Code Enforcement has recently had to issue citations to businesses in violation of the ordinances to include those persons along Spring Park who have been using residential property for commercial storage use, parking lot, etc. and the court date is scheduled for March 3, 2020.

City Manager Whitt explained citations have also been issued to various shopping plazas for donation box issues and that is also scheduled to go before the courts on March 3<sup>rd</sup>.

City Manager Whitt addressed the sidewalk questions and explained Planning Commission member Wolfson did collect information from those property owners downtown, the city is not done with the survey, it is only preliminary. Manager Whitt explained the preliminary survey showed encroachment areas, the property owners do own as much as up to 10 feet into the road areas. City Manager Whitt explained, what appears underground is that some areas show owners have dug under the roadway, it means they have tunneled in and then there's the concern of the abandoned coal bins there is more than just a sidewalk concern. Manager Whitt explained until the survey is completed, there will not be a solution. Manager Whitt explained there is also the issue of funding and easements from the property owners.

Council Member Costanzo said last month council discussed the alley ways behind the building's downtown and yet there is nothing on the Code Enforcement report, were those issues resolved.

City Manager Whitt asked Member Costanzo if he was referring to Nino's Bakery specifically and explained Nino's Bakery historically had used others property for their deliveries. Manager Whitt opined this is a dispute between the property owners, it is a civil issue.

City Manager Whitt explained he is working with the owner of the Greenhouse to generate a parking agreement for downtown as they own the vacant property on the

corner of Pontiac Trail and Walled Lake Drive. Manager Whitt explained there is an agreement with the owner for some of the neighboring properties of that parking lot. City Manager Whitt explained in his personal observations, employees of the downtown businesses have been utilizing the parking in front of the businesses. City Manager Whitt explained Nino's Bakery parking is contingent to what is available out front, they depend upon the local parking. City Manager Whitt suggested Nino's Bakery require their employees to park across the street and walk across Pontiac Trail to their place of employment and not park in front of their building taking up patron parking. Manager Whitt explained agreements can be pursued among the downtown business owners and it would help the parking situation. City Manager Whitt opined the businesses downtown need to work together concerning the parking.

## **2. Presentation by Consulting City Engineer**

Bradd Maki, consulting city engineer explained there is survey work for the downtown being done concerning the sidewalks, right of way, and property lines.

### **a. Downtown Storm Sewer and Mercer Beach Projects**

Mr. Maki explained there were two grants, one was obtained and the second is awaiting federal approval. Mr. Maki explained the SEMCOG grant and MDNR grant for Mercer Beach need to work together to be completed by June of 2021. Mr. Maki explained these grants work together for improving the downtown. Mr. Maki explained for the improvements to Mercer Beach the MDNR grant contract does need to go out for bid, but first its plan has to have MDNR approval. Mr. Maki explained there is a draft plan of the area downtown by the beach to include additional parking, replacing sidewalks, installing stamped concrete, curbing the road which will aid in drainage and maintain the integrity of the road, intersection work to aid the roads, street lighting enhancements, and replacing storm sewer piping. Mr. Maki said there will also be new fall safe material at the playground structures, bioswale, new fencing and additional lighting.

Council Member Woods asked about bike lane clearance the law requires certain widths and what is the width of the city bike lanes. Do they meet code. Mr. Maki said yes, the lanes are 5 feet.

Mr. Woods asked about parking on the south side. Mr. Maki said 90-degree parking provides for the most parking.

City Manager Whitt explained angled parking for vehicles has to consider all vehicle types, buses or very large vehicles park in the angled parking and they end up part way in the street and part way in the parking spot. Manager Whitt said with the engineer's design of 90-degree parking this will not happen.

Mr. Maki explained this is conceptual plan, the final storm sewer and beautification plans need to be done as soon as possible, within the next month, construction will be starting in the summer

months with completion by November. Mr. Maki said there will be additional parking on the north side of Walled Lake Drive and replacement of the sidewalk. Mr. Maki explained the second project because of its grant process is looking to be in 2021 for completion. There has been some preliminary work already done for the grants. Mr. Maki explained these two projects are designed to meld and work together.

City Manager Whitt opined that council needs to make a decision to move ahead, this is the beginning of fixing the downtown.

#### **b. Public Safety Campus Expansion Project**

Mr. Maki explained this project, should council decide to approve, must move quickly to get bids out for timely construction. This project will include addressing drainage, plantings, and aesthetics, plus improve access to and from the trail. Mr. Maki explained the underground utility design will include installation of an 8-inch water main, fire hydrant, and service line along the north side of parking lot to service that area. Mr. Maki explained there will be storm sewer work in the parking lot areas and detention basin. Mr. Maki explained sidewalks, additional parking, and curb work, will be further improvements to the area.

Council Member Costanzo said, "I have a point of inquiry then, two points of inquiry. When the committee was formed back in June 18 last year, there was a committee formed to do a study session to research the opportunity for this property, what other opportunities were identified in that study session beyond this? What other options were discussed on that committee?"

Mr. Maki said he is not part of the committee. Mr. Maki explained that he follows representation of the city when they asked him to proceed that is how it works.

Council Member Costanzo questioned the consultant engineer, "So was there any other studies asked of you to do on this property from other opportunities that might be available or just was this the only one?"

Consultant Engineer Maki explained the work done is the analysis of what is being presented.

Council Member Costanzo questioned the engineer further, "Second point of inquiry is, we talked about the contaminates do you have a study that you can show us exactly what is going on with that property underneath. One of the questions, discussions I had back in June was possibly getting this property appraised to know exactly what the value is to try and get it back on the tax rolls. Do we have that study? When I go to the MDEQ website on their environmental mapper this property is not listed as contaminated just, the barn is and then properties up and down Maple. But if this is not listed on the MDEQ mapper as being polluted. I would like to see exactly what is going on with that soil so that I understand it because the State does not have it listed as a contaminated site, maybe they do not have the right information or the city has not reported it but I would like to see that information before we go any further on what is going on with that soil, to make an informed decision."

Mr. Maki explained the city has those environmental studies done on this property on file and can find the information as city hall.

Council Member Costanzo said again he would like to have it before there is a vote in order to see what exactly is going on this property before council moves forward on a project like this.

Mr. Maki said this property has contaminates through a good portion of it. Mr. Maki explained the purpose of the capping in the north area was a health hazard according to health standards that required the capping. Mr. Maki said that does not mean there are not contaminates down lower, it means the contaminates are not right at the surface anymore. Mr. Maki further explained council will be dealing with it no matter where in that area, so as long as the material is on site and capped it saves the city from the cost to remove the material off site.

Mayor Ackley explained to Council Member Costanzo his questions are to be directed to city administration.

Council Member Costanzo said before it was capped, he researched the DEQ website and it did not have the site listed and that is why he asked if the city had a study to see the data.

Mayor Ackley said the city has done several studies that show the contaminates.

Mr. Costanzo opined council should table it until he can read the data and then make an informed decision before moving forward.

Mayor Pro Tem Ambrose explained the DEQ provided the remedy of capping the site and prior to that the area was fenced off.

Council Member Costanzo said he did not have a date on the other presentation and asked Mr. Maki if there were any cost estimates on this project.

Consultant Engineer Maki explained to Member Costanzo it is still in the preliminary stages.

City Manager Whitt explained there are estimates for engineering services only, bids need to be generated to obtain the potential construction costs.

Council Member Costanzo said he would like the data, a rough analysis of the numbers to know what this project could cost.

City Manager Whitt said Council Member Costanzo he has brought this up before and said the studies Member Costanzo is asking for are available and have always been available at city hall. Manager Whitt explained to Member Costanzo he will have copies made and placed in Council Member Costanzo's mailbox at city hall. City Manager Whitt explained the contamination will not go away and the best option for the future is to use the site, keeping the site capped and create the multi facility use as a training site for police and fire, access to the trail, additional

parking, and a park area. City Manager Whitt said the proposal goes back to original plan when the property was originally purchased.

City Manager Whitt explained there is other property in the city such as the property owned by the Walled Lake Consolidated School system that is still not sold because there was another contaminated area found on the property. City Manager Whitt opined council should proceed with what the site was originally purchased for a training facility for public safety, farmer's market venue, additional parking, and an addition a memorial and trailhead.

Mr. Maki discussed the proposal costs and how they are in proportion to the projects and stressed there is a short window of time to prepare the necessary bids for these projects to commence.

Mayor Ackley opined the lake is the jewel of the city, the work downtown has to be done.

Council Member Woods asked if council approved, is the city locked into these projects even if grant funding not available.

City Manager Whitt explained the improvements begin at the beach and up to Pontiac Trail. That is why the preliminary work was done, to the extent of the engineering, it does not stop at Ferland, the grant work, yes, maybe, but not the engineering work for the downtown. Manager Whitt explained the DDA will be funding portions of the costs for the Mercer Beach playground grants and the downtown stormwater replacement project and beautification.

**CM 2-6-20 MOTION TO APPROVE PROPOSAL FOR CIVIL ENGINEERING DESIGN AND SURVEYING SERVICES DOWNTOWN STORM SEWER REPLACEMENT AND BEAUTIFICATION**

Motion by Owsinek, seconded by Loch, CARRIED: To approve proposal for civil engineering design and surveying services downtown storm sewer replacement and beautification.

Roll Call Vote

Ayes (5)	Owsinek, Woods, Ambrose, Loch, Ackley
Nays (1)	Costanzo
Absent (1)	Lublin
Abstention (0)	

**CM 2-7-20 MOTION O TO APPROVE PROPOSAL FOR CIVIL ENGINEERING DESIGN AND SURVEYING SERVICES PHASE II – PUBLIC SAFETY CAMPUS EXPANSION PROPOSAL**

Motion by Loch, seconded by Owsinek, CARRIED: To approve proposal for civil engineering design and surveying services Phase II-Public Safety Campus Expansion proposal.

#### Discussion

Council Member Costanzo said, "I have a point of inquiry, the \$65,000 is that going forward or is that included some work we have done already that we may have done through various things of phase 2?"

Mr. Maki said any of the work they have done to this point is included.

Council Member Costanzo gestured to Chief Coomer and said the project itself, this piece of property and having a training facility for our firefighters and our police when there is already a state of the art facility that is being used now, is something that is unneeded in the city. You know we are having trouble maintaining parks and other things around our town and this is just one more burden that is going to be upon the city and opined his opinion that he would like to see the property appraised to see exactly what we are talking about. What can the city get out of the value on this property as well what the soil contamination it holds. Member Costanzo said it sounds like we have already spent a good sum of money on this judging on what is in the expenditures and said this project is something not needed by the city. We have more pressing needs across our city whether it be the Tri-A or sidewalks not just at the beach but up and down Pontiac Trail. We have some serious issues, and this is one of the things that is just going to continue to put a burden on the city. Member Costanzo said let's use the forfeiture funds for our police vehicles and other safety equipment but this project I am against.

Mayor Ackley explained that some funding of this project will be from forfeiture funds.

City Manager Whitt explained the property was purchased for \$1.1 million in early 2000 to buy the property to do what we are talking about doing. Mr. Whitt said to suggest that somehow the money we are going to do the memorial with can be used in Tri-A or any other place, is not true. Manager Whitt opined that the public safety expansion is a good use of the funding and the DDA will be contributing.

Manager Whitt stated the city voted by 55% against spending money on the trail, the city has spent \$80,000 on the trail which was touted as a no cost to the taxpayers trail and then there is the \$6 million dollars for a bridge that has no benefit to the City of Walled Lake. Mr. Whitt said to suggest that by constructing a training facility for our police and fire is a waste of money is insulting. Mr. Whitt opined that the city was doing the right thing and managing it the right way. Mr. Whitt said we have a trail parking lot with no depot, the depot was torn down and people were promised a depot. Mr. Whitt opined the City is spending over \$80,000 now on the trail and did anybody believe it was going to be that, people were told there would be no cost and there is a cost. Mr. Whitt said when Council Member Costanzo starts talking about money that has been spent somewhere other than Walled Lake instead of what the city needs, the trail is an example.

Mr. Whitt said the city has plans for a real trailhead that invite people to the city from the trail because all that is left down by Pontiac Trail is a vacant parking lot that neighboring businesses use.

City Manager Whitt further explained the new trailhead will be next door to the current public safety campus. Mr. Whitt said the project is a good deal for the taxpayer and is a transparent use of the money as opposed to the other not so transparent deals like the airline trail. Manager Whitt stated he is insulted when council members say that somehow there is a better deal than training our firefighter and police officer.

Council Member Costanzo said the forfeiture funds are no guarantee plus the training facility is still going to be a burden on future taxpayers and another expense for maintenance. Council Member Costanzo say he could debate why the millage failed and that the new facility would be more of a burden. Member Costanzo said this is not entirely a police training facility it is a burn facility that there is no need for or justification for a community our size.

Council Member Costanzo said we are not Chicago, we are not New York, we are 2.7 square miles we do not need a training facility.

Council Member Costanzo said the trailhead behind Dave and Amy's is not developed yet, it is still a work in progress and there are many discussions being had right now of what that can be. Council Member Costanzo said the depot building was voted on and came down for various reasons we will not litigate that at this point because it is just a waste of energy. Council Member Costanzo stated that the fact is, we do not need a police or fire training facility like this it is going to be a drain on future resources plus we do not have forfeiture funds that are guaranteed for the future.

Council Member Owsinek called vote to question.

Council Member Costanzo said point of information are we voting on call to question or voting on the resolution. City Manager Whitt said the resolution.

#### Roll Call Vote

Ayes (5)	Woods, Ambrose, Loch, Owsinek, Ackley
Nays (1)	Costanzo
Absent (1)	Lublin
Abstention (0)	

City Manager Whitt explained Mayor Ackley appointed Council Member Owsinek as a representative of the city for the Federal Aid Committee. City Manager Whitt said he, Member Owsinek, Assistant City Manager Pesta and Confidential Assistant Jaquays did attend the recent Federal Aid Committee meeting along with consulting engineer Maki. Manager Whitt said the city had received a prior one-million-dollar grant for Decker Road.

Consulting city engineer Maki explained the city's 2022 project for Decker Road is number 2 on the grant list and an earlier start time is strong and if becomes available, the Decker Road project could be moved up a year.

City Manager Whitt explained the city will have the engineering ready, plans ready, and be situated to move quickly if the city's project is moved up.

**CORRESPONDENCE:** None

**ATTORNEY'S REPORT:**

City Attorney Vanerian explained council held a special meeting January 28<sup>th</sup>, applicant BDS and their attorney has been in communication requesting and pressing for a date for the next meeting. Attorney Vanerian explained he would need at least two weeks to review and finalize his recommendation as he was waiting for transcripts from the meeting. The applicant had a court reporter at the meeting.

Discussion was held and date suggested was Wednesday March 18<sup>th</sup> at 7:30 p.m.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**1. First Reading C-348-20 Oakland County Cross Connection Control Program**

Finance Director Barlass explained cross connection helps to prevent any backflow into water systems. This ordinance allows WRC to act as the city's agent and operate the program. WRC estimated the program to be about \$50,000 a year. The city's water loss has significantly dropped down to 10% from 26% since they have started with the city. Finance Director Barlass explained this is significant and the State of Michigan is cracking down on water operations.

Manager Whitt explained when the city transitioned to WRC, the city gave up a nonprofessional water division and made it a professionally managed operation with WRC. Manager Whitt explained the prior unprofessional water divisions operations were costing the Walled Lake taxpayer hundreds and thousands of dollars. Manager Whitt opined council fixed that by bringing WRC on board, and having professionals operate and maintain the water system.

Finance Director Barlass explained it saved a quarter of a million dollars from a loss in revenues.

City Manager Whitt explain those monies can be put to use in other areas of the city. Manager Whitt explained the city has to professionalize operations and this also applies to cross connections. Manager Whitt explained this saves the taxpayers, if one year was almost a quarter of a million dollars, ask yourself how far back the city could have saved those funds.

**CM 2-8-20 TO APPROVE FIRST READING C-348-20 AN ORDINANCE ADOPTING THE OAKLAND COUNTY CROSS CONNECTION CONTROL PROGRAM AND DESIGNATING OAKLAND COUNTY AS THE AGENT FOR ADMINISTERING THE PROGRAM**

Motion by Ambrose, seconded by Loch, CARRIED: To approve first reading C-348-20 an ordinance adopting the Oakland County Cross Connection Control Program and designating Oakland County as the agent for administering the program.

Discussion

Council Member Costanzo said he has an issue with the language on page 103, section 82-81, paragraph a, “the right to access property”. Member Costanzo explained it should be subject to property owner’s permission, court order or a declared emergency.

Finance Director Barlass explained WRC makes numerous attempts to communicate, educate and explain why they need access, they do not just go and enter.

City Manager Whitt explained to Council Member Costanzo that this is standard language, there has been language as this in other ordinances. Manager Whitt explained to Council Member Costanzo that when local government provides services, there has to be certain types of access.

Roll Call Vote

Ayes (5)	Ambrose, Loch, Owsinek, Woods, Ackley
Nays (1)	Costanzo
Absent (1)	Lublin
Abstention (0)	

**2. First Reading C-349-20 Amendment to Section 21.50(l) Marijuana Facility Site Plan Expirations Provisions**

City Attorney Vanerian explained this is a proposed amendment to the zoning ordinance that would amend the site plan expiration provisions applicable to marijuana facilities under Section 21.50 (l). Attorney Vanerian explained the difficulty applicants have with the short 180-day expiration provision as seen with applicant this evening. Mr. Vanerian explained this is a zoning ordinance amendment as such it would need to go before the Planning Commission for a public hearing then back to council.

**CM 2-9-20 TO APPROVE FIRST READING C-349-20 AN ORDINANCE TO AMEND CHAPTER 51, “ZONING” OF TITLE V, “ZONING AND PLANNING”, THE CITY OF WALLED LAKE ZONING ORDINANCE, TO AMEND ARTICLE 21.00 “GENERAL**

**PROVISIONS”, SECTION 21.50 “MARIJUANA FACILITIES” BY AMENDING THE SITE PLAN EXPIRATION PROVISIONS SET FORTH IN SUBPARAGRAPH (L) AS PROVIDED BY THIS ORDINANCE**

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: To approve first reading C-349-20 an ordinance to amend Chapter 51, “Zoning” of Title v, “Zoning and Planning”, the City of Walled Lake Zoning Ordinance, to amend Article 21.00 “General Provisions”, Section 21.50 “General Provisions”, Section 21.50 “Marijuana Facilities” by amending the site plan expiration provisions set forth in subparagraph (l) as provided by this ordinance.

Roll Call Vote

Ayes (6) Costanzo, Loch, Owsinek, Woods, Ambrose, Ackley  
Nays (0)  
Absent (1) Lublin  
Abstention (0)

**3. Proposed Resolution 2020-09 Defer Special Meeting Requirements for Budget Adoption**

**CM 2-10-20 TO APPROVE RESOLUTION 2020-09 A RESOLUTION RESCHEDULING THE FISCAL YEAR BUDGET PRESENTATION SPECIAL COUNCIL MEETING OF MONDAY, MAY 18, 2020 TO THE REGULAR COUNCIL MEETING OF TUESDAY, MAY 19, 2020**

Motion by Costanzo, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve resolution 2020-09 a resolution rescheduling the fiscal year budget presentation special council meeting of Monday, May 18, 2020 to the regular council meeting of Tuesday, May 19, 2020.

Roll Call Vote

Ayes (6) Loch, Owsinek, Woods, Ambrose, Costanzo, Ackley  
Nays (0)  
Absent (1) Lublin  
Abstention (0)

**4. Proposed Resolution 2020-10 Water Residential Assistance Program (WRAP) to Aid Low Income Families**

**CM 2-11-20 TO APPROVE RESOLUTION 2020-10 A RESOLUTION FOR THE CITY OF WALLED LAKE TO PARTICIPATE IN THE WATER RESIDENTIAL ASSISTANCE PROGRAM TO AID LOW INCOME WALLED LAKE WATER CUSTOMERS WITH BILL ASSISTANCE AND OTHER WATER SERVICES THAT PROVIDE FINANCIAL RELIEF**

Motion by Loch, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve resolution 2020-10 a resolution for the City of Walled Lake to participate in the Water Residential Assistance Program to aid low income Walled Lake water customers with bill assistance and other water services that provide financial relief.

Roll Call Vote

Ayes (6) Owsinek, Woods, Ambrose, Costanzo, Loch, Ackley  
Nays (0)  
Absent (1) Lublin  
Abstention (0)

**5. Commerce Township Historical Society Cemetery Research**

**CM 2-12-20 TO APPROVE THE COMMERCE TOWNSHIP HISTORICAL SOCIETY LOCATED IN WALLED LAKE TO CONDUCT RESEARCH OF THE WALLED LAKE CEMETERY**

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: To approve the Commerce Township Historical Society to conduct research of the Walled Lake Cemetery.

Roll Call Vote

Ayes (6) Owsinek, Woods, Ambrose, Costanzo, Loch, Ackley  
Nays (0)  
Absent (1) Lublin  
Abstention (0)

**COUNCIL COMMENTS:**

Council Member Woods congratulated Murray's Auto Parts on 45 years of service. The fishing tournament was successful. He explained Dave Galloway from the Walled Lake Improvement Board is retiring and wished him well. There is a fundraising event on March 7<sup>th</sup> by the Walled Lake Civic Fund who raise funding for the firework display. He said there is an event this weekend, Oakland County West Polar Plunge benefitting the Special Olympics and there are

three police officers participating. Member Woods explained Special Olympics is very dear to him and he and his family recently participated in the winter Special Olympics in Traverse City.

Council Member Owsinek thanked Mr. Tim Moore for 28 years of service on the Parks and Recreation Commission.

Council Member Costanzo explained he went before the DDA again this last week as a follow up discussion on the Main Street program and reengaging in the program, they are beneficial to the city.

Mayor Pro Ambrose explained a retirement gathering will be held for Dave Galloway tomorrow a Langan's All Star Lanes and a new person will be appointed. Member Ambrose explained Mr. Galloway was instrumental in treatment plans for the lake.

**MAYOR'S REPORT:**

**1. Proposed Resolution 2020-11 Recognition of Years of Service to the Parks and Recreation Commission – Member Tim Moore**

Mayor Ackley read into the record resolution 2020-11.

*STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF WALLED LAKE*

*A RESOLUTION OF THE CITY COUNCIL PROVIDING RECOGNITION OF AND EXPRESSING GRATITUDE WITH APPRECIATION TO MR. TIM MOORE FOR HIS YEARS OF VOLUNTEER SERVICE TO THE CITY COUNCIL BY SERVING AS A PARKS AND RECREATION COMMISSION MEMBER*

***Proposed RESOLUTION 2020-11***

*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 18<sup>th</sup> day of February 2020 at 7:30 p.m.*

*WHEREAS, per City Charter Section 4.5, it shall be the duty of the Mayor to nominate qualified persons to the Council and various Boards and Commissions; and*

*WHEREAS, per City Charter Section 4.5, City Council approves the nomination for said appointment; and*

*WHEREAS, with approval of the City Council, Tim Moore served as a volunteer member of the City's Parks and Recreation Commission since 1992; and*

*WHEREAS, during his twenty-eight years of service with the Parks and Recreation Commission, Mr. Moore has participated in the process of many successful events and projects throughout the City; and*

*WHEREAS, as a member of the Parks and Recreation he participated in the process of updating of the City's Parks and Recreation Master Plan document; and*

*WHEREAS, Mr. Moore has volunteered many hours of time as a Parks and Recreation Commission member providing valued input into shaping the City of Walled Lake's appeal with the implementation of the Parks and Recreation Master Plan document; and*

*WHEREAS, Mayor Linda S. Ackley has requested that Tim Moore be recognized for his services.*

*NOW, THEREFORE BE IT RESOLVED that the City Council recognizes and expresses sincere gratitude and appreciation to Mr. Tim Moore for his twenty-eight years of service to the City Council, to the City, and to the Citizens of Walled Lake, Michigan.*

**CM 2-13-20 TO APPROVE RESOLUTION 2020-11 A RESOLUTION OF THE CITY COUNCIL PROVIDING RECOGNITION OF AND EXPRESSING GRATITUDE WITH APPRECIATION TO MR. TIM MOORE FOR HIS YEARS OF VOLUNTEER SERVICE TO THE CITY COUNCIL BY SERVING AS A PARKS AND RECREATION COMMISSION MEMBER**

Motion by Costanzo, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve resolution 2020-11 a resolution of the City Council providing recognition of an expressing gratitude with appreciation to Mr. Tim Moore for his years of volunteer service to the City Council by serving as a Parks and Recreation Commission member.

Roll Call Vote:

Ayes (6)	Woods, Ambrose, Costanzo, Loch, Owsinek, Ackley
Nays (0)	
Absent (1)	Lublin
Abstention (0)	

**2. Mayor's Nomination of Giovanni Johnson to the Parks and Recreation Commission  
Proposed Resolution 2020-12**

**CM 2-14-20 TO APPROVE RESOLUTION 2020-12 ACCEPTING THE  
MAYOR'S NOMINATION TO FILL A VACANCY ON THE  
PARKS AND RECREATION COMMISSION PURSUANT TO THE  
REQUIREMENTS OF THE CITY CHARTER, MAKING THE  
APPOINTMENT OF GIOVANNI JOHNSON TO THE PARKS AND  
RECREATION COMMISSION FOR AN UNEXPIRED TERM**

Motion by Ambrose, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve resolution 2020-12 a resolution accepting the Mayor's nomination to fill a vacancy on the Parks and Recreation Commission pursuant to the requirements of the City Charter, making the appointment of Giovanni Johnson to the Parks and Recreation Commission for an unexpired term.

Roll Call Vote

Ayes (6) Ambrose, Costanzo, Loch, Owsinek, Woods, Ackley  
Nays (0)  
Absent (1) Lublin  
Abstention (0)

**3. Mayor's nomination of Robert Robertson to the Parks and Recreation Commission  
Proposed Resolution 2020-13**

**CM 2-15-20 TO APPROVE RESOLUTION 2020-13 ACCEPTING THE  
MAYOR'S NOMINATION TO FILL A VACANCY ON THE  
PARKS AND RECREATION COMMISSION PURSUANT TO THE  
REQUIREMENTS OF THE CITY CHARTER, MAKING THE  
APPOINTMENT OF ROBERT ROBERTSON TO THE PARKS  
AND RECREATION COMMISSION FOR AN UNEXPIRED TERM**

Motion by Ambrose, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve resolution 2020-13 a resolution accepting the Mayor's nomination to fill a vacancy on the Parks and Recreation Commission pursuant to the requirements of the City Charter, making the appointment of Robert Robertson to the Parks and Recreation Commission for an unexpired term.

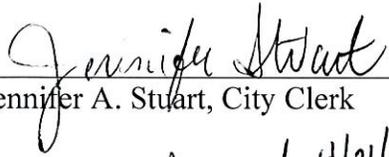
Roll Call Vote

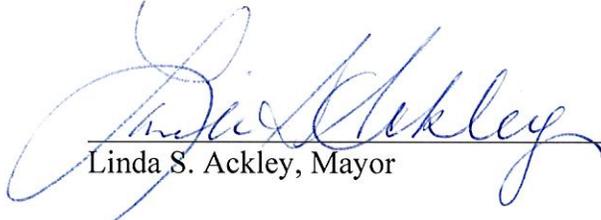
Ayes (6)	Costanzo, Loch, Owsinek, Woods, Ambrose, Ackley
Nays (0)	
Absent (1)	Lublin
Abstention (0)	

Mayor Ackley said she was approached by one the mothers of a son who is part of cub scouts and was asked if the city would work with them to help with a Special Olympics event. Mayor Ackley asked Council Member Woods with assistance.

**ADJOURNMENT**

Meeting adjourned at 10:20 p.m.

  
\_\_\_\_\_  
Jennifer A. Stuart, City Clerk  
Approved 4/21/20

  
\_\_\_\_\_  
Linda S. Ackley, Mayor