



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 18, 2025
7:30 P.M.**

City Clerk Stuart welcomed everyone to the regularly scheduled February 18, 2025, City Council meeting then introduced Council Member Casey R. Ambrose, Council Member Mindy Fernandes, Council Member Bennett Lublin, Council Member John Owsinek, Mayor Pro Tem Ryan Woods, and Mayor Linda Ackley.

The meeting was called to order at 7:30 p.m. by Mayor Ackley.

PLEDGE TO FLAG & INVOCATION

Invocation by Mayor Pro Tem Woods.

ROLL CALL

Mayor Ackley, Mayor Pro Tem Woods, Council Member Ambrose, Council Member Fernandes, Council Member Lublin, and Council Member Owsinek

OTHERS PRESENT

City Manager Whitt, Assistant to the City Manager Jaquays, Finance Director Pesta, Public Safety Deputy Director Shakinas, Deputy Police Chief Kolke, City Attorney Vanerian, DPW Superintendent Ladd, HR Director Sears, and City Clerk Stuart

REQUESTS FOR AGENDA CHANGES

City Manager Whitt acknowledged requests from several parties to address the Council regarding the Commercial Planned Unit Development (PUD) proposal. In addition to the presentation from Watermark Terrace LLC, DDA Board Member Mital Amin and Mr. Frank Marra from the Green House have also requested to speak on the same issue. Given the potential for these discussions to exceed the standard three-minute time limit for audience participation, the Council may wish to consider extending the time allocated for these presentations. The Council extended the time limit.

PRESENTATION

1. Boss Engineering – Civil Engineering and Landscape Design for Downtown Sidewalk Improvement

Consultant City Engineer Mr. Bradd Maki from Boss Engineering provided an overview of Phase I of the downtown improvements. He explained that this project aims to revitalize the downtown area, leaving a lasting impression on both residents and visitors. The proposal is part of a phased plan for the Walled Lake corridor, focusing on enhancing appeal and improving

sidewalk accessibility for walkability. Mr. Maki shared that the survey for Phase 1, covering E. Walled Lake Drive between Pontiac Trail and Hillcroft, is complete. Boss Engineering is also working on a preliminary plan for the Pontiac Trail to Liberty corridor. The design intent is to collaborate with the city to meet its needs while ensuring compliance with ADA standards and construction regulations. The project will include pedestrian features, beautification efforts, and improvements to parking, safety, and traffic flow for both pedestrians and vehicles. Accessibility for businesses and stormwater management are key priorities, with the city having already made strides in stormwater improvements with the Mercer Beach project in 2022.

Council Member Lublin explained the downtown area has needed help for a long time, this is great news, this will be a great project for the city.

City Manager Whitt clarified that Phase 1 of the downtown project does not need to wait for a property acquisition. The City Council can instruct the city engineer to address the sidewalk area in the first block. He further explained that the underground area was inspected by engineers as part of the survey work, with all property owners granting access. If the cooperation from property owners remains intact, the project can proceed. Additionally, the design for this area will address the ADA complaint filed by the downtown bakery. City Manager Whitt said if the City Council directs the administration to proceed, the city engineer will begin working on the design specifications.

Council Member Fernandes clarified that there is only one coal chute under one of the buildings downtown and inquired about the process for gaining access and addressing it. Mr. Maki explained that there are various methods to address the issue, but a structural engineer will be required to ensure that the building's foundation is not compromised with any approach.

City Manager Whitt explained the survey also outlined the parking areas on the opposite side of E. Walled Lake Drive that will need to be addressed as well; however, the first area will be to improve the section pertaining to the ADA complaint area.

Mayor Pro Tem Woods asked if the design specification plan would be available at the next city council meeting.

Mr. Maki explained spring or early summer plans would be available, preliminary first block plans and concept for the corridor. Structural engineers will also be sought to address underground coal chute.

CM 02-01-25 MOTION TO APPROVE 2025-01 A RESOLUTION AMENDING AND APPROPRIATING FUNDS FROM DOWNTOWN DEVELOPMENT AUTHORITY FUND BALANCE FOR FISCAL YEAR 2024-2025 TO APPROVE BOSS ENGINEERING TO PROCEED WITH PHASE 1 OF CIVIL ENGINEERING AND LANDSCAPE ARCHITECTURE DESIGN SERVICES FOR ACCESSIBILITY, STREETScape, AND SIDEWALK

**IMPROVEMENTS ALONG E. WALLED LAKE DRIVE IN THE
DOWNTOWN AREA**

Motion by Lublin, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve resolution 2025-01 a resolution amending and appropriating funds from Downtown Development Authority fund balance for fiscal year 2024-2025 to approve Boss Engineering to proceed with Phase 1 of civil engineering and landscape architecture design services for accessibility, streetscape, and sidewalk improvements along E. Walled Lake Drive in the downtown area.

Roll Call Vote

Ayes (6) Ambrose, Fernandes, Lublin, Owsinek, Woods, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

**CM 02-02-25 MOTION TO EXCUSE COUNCIL MEMBER LOCH FROM
TONIGHT'S MEETING FROM TONIGHT'S MEETING**

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

AUDIENCE PARTICIPATION

County Commissioner Robert Smiley introduced himself as the newly elected county commissioner, replacing Dr. Raman. Commissioner Smiley shared that he is familiar with Walled Lake and served on the Wixom City Council for several years. He thanked the City Council for their time and offered to be available after the meeting for any questions.

APPROVAL OF MINUTES

1. Regular Council Meeting of November 19, 2024

**CM 02-03-25 MOTION TO APPROVE REGULAR COUNCIL MEETING
MINUTES OF NOVEMBER 19, 2024**

Motion by Woods, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve regular council meeting minutes of November 19, 2024.

Roll Call Vote

Ayes (6) Lublin, Owsinek, Woods, Ambrose, Fernandes, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

COUNCIL REPORT

Council Member Lublin explained at the last library meeting the discussion was on the upcoming operating budget for fiscal year 2026. Council Member Lublin said all the library programs have been well attended.

Council Member Fernandes explained that the Parks and Recreation Commission discussed the return of the summer concert series at Sims Park, and the musicians are booked. Council Member Fernandes said there was a great discussion with the Commerce Township Historical Society about the local cemetery, this year is the 200th anniversary of founding of our local communities, and they will be working with the Walled Lake Civic fund to celebrate this.

Mayor Pro Tem Woods reported that he and Council Member Fernandes met with DTE in January to discuss power outages, utility poles, and LED lighting in Walled Lake. He explained that the outages in Walled Lake are below the average of outages reported, and that the DTE Government Liaison will be providing a plan for pole replacement and the installation of LED lighting.

Council Member Ambrose explained applications for this year's Walled Lake Market Place are available. This season will operate from May 7th through October 29th at the Casey J. Ambrose Public Safety campus. Council Member Ambrose invited all to Casey's of Walled Lake annual St. Patrick's Day celebration.

MAYOR'S REPORT

Mayor Ackley said she was happy to hear there is only one coal chute to address downtown.

CITY MANAGER'S REPORT

1. **Consent Agenda of Written Departmental / Divisional Statistical Reports**
 - a. **Police**
 - b. **Fire**
 - c. **Finance**
 - Warrant
 - d. **Code Enforcement**

CM 02-04-25 APPROVAL OF CITY MANAGER'S CONSENT AGENDA ITEMS

Motion by Owsinek, seconded by Fernandes, CARRIED UNANIMOUSLY: To approve City Manager's Consent Agenda items.

Roll Call Vote

Ayes (6) Lublin, Owsinek, Woods, Ambrose, Fernandes, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

CORRESPONDENCE

None

ATTORNEY'S REPORT

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Watermark Terrace – Commercial Planned Unit Development

Mr. Daniel Stakhiv thanked the council for their time this evening when he provided a recap of prior presentations. Mr. Stakhiv explained they are applying to the city under a Commercial Planned Unit (CPD) application. Mr. Stakhiv explained the planning commission approved the project on August 8, 2024, provided they address parking, height, and storm water management. Mr. Stakhiv explained they have added thirteen parking spaces and will have a shared parking agreement with a nearby church for ten additional spaces. Mr. Stakhiv said they have shifted their sidewalk further north onto their property to assist the city if they desired to add additional parallel parking in front of their building. Mr. Stakhiv said their building elevation changed to 39 ft tall in front and 35 ft tall in the back. Mr. Stakhiv said the city Master Plan and DDA guidelines provide their building proposal is appropriate for this site. Mr. Stakhiv explained they retained SME for proposal for removal of site contamination of the old gas station. The SME preliminary analysis estimated over a million dollars to remediate the site. Mr. Stakhiv introduced Mr. Eric Williams from Stonefield Engineering.

Mr. Williams said his group met with the city's city engineer on the project and discussed tying into the city's stubbed storm water connections from the Mercer Beach project and containing all storm water in catch basins. Mr. Williams said their plan would address the flooding at the SE

corner and they are providing the required on-site storm water management, Oakland County standards 100-year storm.

Council Member Owsinek asked if they changed anything on tonight's presentation from the Planning Commission site plan approvals.

Mr. Stakhiv said yes, SME did revise the presentation with recommendations from Boss Engineering and McKenna. Mr. Stakhiv said the parking, height, and storm water concerns have all been addressed.

Council Member Fernandes asked what the reason was for the entrance and exit to be on Witherall verses Ferland.

Mr. Stakhiv explained the slope on Fernald is too high, their civil engineers said Witherall is the most viable option.

Mayor Pro Tem Woods asked about the car lights and building lights shining into the neighborhood and dumpster access.

Mr. Stakhiv said the city asked for a truck-turn-around on their site to avoid backing in and out. Mr. Stakhiv said this has been added. Mr. Stakhiv said he spoke with neighbor to the east and offered to place landscaping if lights are bothersome to their home.

Mayor Pro Tem Woods asked about the transmission for utilities, whether they are underground and if the HVAC equipment is rooftop.

Mr. Williams explained there are utilities in the public ROW, they will go underground. Mr. Stakhiv explained the condensers will be on the roof top and out of sight.

Council Member Lublin said he still has concerns with onsite parking and the density created from that.

A business member of Folio, Watermark Terrace LLC explained they have done an analysis of other Folio locations and occupancy and parking of that space on any given day and night. He said the results they found provided them with confidence in this proposal they do adequately address parking. He said they do have an agreement for overflow parking with the neighboring church.

Mayor Ackley said the comments made to her about their parking were what will guarantee the occupants will use the additional spaces versus the public parking spaces. Will agreements be made with the occupants of the building, so they understand where overflow parking goes.

Mr. Patrick Marra from the Green House expressed concern about the constant abuse of 30-minute parking spaces downtown. He pointed out that a specific business owner regularly parks for 6 to 8 hours, sometimes overnight, causing plow companies to work around the cars in these

designated spots. Mr. Marra stated that the current fines are not effective in deterring offenders. He mentioned that three to four cars often occupy these spaces all day long and asked the City Council to consider enforcing the 30-minute parking limit, raising the citation fee, or even towing the violators.

Deputy Public Safety Director Shakinias shared that he has recently issued five to six parking tickets, including one just last Friday. He noted that building owners with tenants above their businesses often lack parking for those tenants. Deputy Director Shakinias also explained that the fine fees are set by the courts, and the city cannot alter them. Additionally, he mentioned that in the past three years, one consistent business owner has received 11 tickets.

Mayor Ackley asked if “No Overnight Parking” parking signs could be placed to prohibit vehicles from overnight parking. Mayor Ackley said people are renting apartment units above the businesses and the landlords are not providing parking spaces to those tenants. She would like council to review and change the ordinance.

City Manager Whitt said he and staff will prepare traffic control orders and present them to the council at the next meeting.

Council Member Ambrose explained he would like to engage Boss Engineering as part of the downtown upgrades to address parking to be clearer while updating the current 30-minute parking signs and placing more of them.

City Manager Whitt explained he will provide a traffic order; however, the city cannot issue citations if people are not notified. This does not mean that the city cannot change the signs to newer versions outlining the 30-minute parking restrictions.

DDA Board Member Amin Mital stated she was here tonight to make a case against the Watermark Terrace variance request specifically. She stated that their requested variance has not yet been approved. Ms. Amin stated there are concerns related to the height and parking which the developer has yet to address. She said the developer continues to glaze over the important issues of the heart of the matter and said she wants to cut through the fluff and speak on the actual facts.

DDA Board Member Amin stated there is no legitimate obstacle for the reasonable use of the property on 307, 323, and 335 E. Walled Lake Drive. She stated it is not the developer’s responsibility to resolve the city’s parking issues. Ms. Amin said whoever purchases the lot should be able to use that lot to provide parking for the tenants. Ms. Amin said it is important for the developers to provide enough parking in their new project. Ms. Amin said the new development won’t solve the current parking issues, but the state and city ordinances ensure that the developers don’t make changes or make things worse by not offering enough parking for their new occupants.

DDA Board Member Amin said she is concerned about over development by over 50% parking reduction. Ms. Amin said the main goal of the developer is a greedy desire to expand the

property aiming to put 17 apartments above instead of the five that are allowed. Ms. Amin stated this strategy of applying for the commercial planned unit development is allowing the developer to gloss over the real issues that would allow them to exceed the current lots capacity, resulting in more than double the residential units and ultimately maximizing the developers' profits over the well-being of the local community.

Ms. Amin stated that the overdevelopment plan also hinges on securing height and three-story variances. Ms. Amin stated the developer needs to eliminate the two-story height limit to facilitate the design of a three-story structure along with the variance that requires a 30% increase in height to add the third-floor apartments.

Ms. Amin said the developer has made several misleading and unfounded assertions to justify the variance requests. Ms. Amin said the developer explains their three-story commercial building is comparable to the home adjacent to 415 E. Walled Lake Drive. Ms. Amin stated that the developer's three-story building is not equivalent to her home. Ms. Amin said it is in fact 30% higher than all of the other buildings and they are asking for 39 feet. Ms. Amin said the next thing the developers are asserting is that constructing a multi-story commercial building is no longer financially viable and in reality over 95% of the commercial buildings currently built and designed are two stories.

Ms. Amin said in fact she is building a two-story commercial office about 20,000 square feet. Ms. Amin stated from the rendering that this building stretches the entire length of the beach, and it will transform landscape. Ms. Amin said we are not aiming to become a city; this is a historic waterfront downtown area.

Ms. Amin stated to get a commercial planned variance development has to show that they are providing a significant benefit to the community without any negative impact in order to obtain this variance. She said there is a quid pro quo and under applicable law including the prerogative writs or writs mandate any approval of the requested commercial planned development variances, the applicant must have provided evidence as to why they satisfy the need for each of the variance request per a unique circumstance of the property which results in a practical difficulty or undue hardship, greed does not qualify as a hardship. Ms. Amin said the developers' desire is to overbuild. Ms. Amin said the developers show they are putting up a nice-looking building with nice materials but the material they presented are standard materials and are only following the city's design standards and expressed that no one is going to invest in an ugly building. Ms. Amin said the developer has failed to demonstrate the significant benefit that the community gains by giving them a waiver for parking and a building that overshadows by 30% as well as numerous ordinances that the developer is in violation of. Ms. Amin said she advocates for a balanced approach to work with developers who are willing to work with the community.

2. Proposed Resolution 2025-02 Auditor Agreement with Pfeffer, Hanniford & Palka for fiscal years 2026, 2027, and 2028

CM 02-05-24 MOTION TO APPROVE 2025-02 A RESOLUTION OF THE CITY COUNCIL DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR INDEPENDENT AUDITING SERVICE TO COMPLY WITH THE CITY CHARTER AND STATE REQUIREMENTS FOR AN INDEPENDENT AUDIT IN YEARS ENDED 2026, 2027, AND 2028

Motion by Owsinek, seconded by Lublin, CARRIED UNANIMOUSLY: To approve resolution 2025-02 a resolution of the City Council directing and authorizing the City Manager to execute an agreement for independent auditing service to comply with the city charter and state requirements for an independent audit in years 2026, 2027, and 2028.

Discussion

City Manager Whitt explained that Pfeffer, Hanniford, and Palka has been with the city for years. City Manager Whitt explained the city is required, as a matter of law to have an independent audit. City Manager Whitt said the city auditor does hold the city's feet to the fire when it comes to getting items addressed efficiently. City Manager Whitt said he recommends council approval.

Roll Call Vote

Ayes (6) Owsinek, Woods, Ambrose, Fernandes, Lublin, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

3. Proposed Resolution 2025-03 Healthcare Benefit Renewal for Full-time Employees for Plan Year 2025-26

CM 02-06-25 MOTION TO APPROVE 2025-03 A RESOLUTION APPROVING HEALTH CARE BENEFIT PACKAGE FOR FULL-TIME EMPLOYEES FOR THE PLAN YEAR APRIL 1, 2025 TO MARCH 31, 2026

Motion by Lublin, seconded by Woods, CARRIED UNANIMOUSLY: To approve resolution 2025-03 a resolution approving health care benefit package for full-time employees for the plan year April 1, 2025 to March 31, 2026.

Discussion

City Manager Whitt explained this is a continuation of what is currently offered to full-time employees.

Finance Director Pesta explained different proposals were received and reviewed. Finance Director Pesta said the option of offering a BCBS POS and BCN plan there is an opportunity of an 11% decrease in costs to the city. Finance Director Pesta explained the city is already engaged in a three-year contract for dental and vision with locked in rates and we are in year two of that.

Roll Call Vote

Ayes (6) Woods, Ambrose, Fernandes, Lublin, Owsinek, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

4. Proposed Resolution 2025-04 DDA Budget Amendment FY25- Ladd Road Resurfacing

CM 02-07-25 MOTION TO APPROVE RESOLUTION 2025-04 A RESOLUTION AMENDING AND APPROPRIATING FUNDS FROM THE DOWNTOWN DEVELOPMENT AUTHORITY FUND BALANCE FOR FISCAL YEAR 2024-2025 TO ACCOMMODATE LADD ROAD RESURFACING PROJECT FUNDING REQUIREMENTS TO CURRENT FISCAL YEAR

Motion by Woods, seconded by Lublin, CARRIED UNANIMOUSLY: To approve resolution 2025-04 a resolution amending and appropriating funds from the downtown development authority fund balance for fiscal year 2024-2025 to accommodate Ladd Road resurfacing project funding requirements to current fiscal year.

Discussion

City Manager Whitt explained that this work for Ladd Road is already done, it was approved by DDA and council at prior meetings in fiscal year 2024, however, the city did not receive billing until this fiscal year 2025.

Roll Call Vote

Ayes (6) Ambrose, Fernandes, Lublin, Owsinek, Woods, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

5. Proposed Resolution 2025-01 DDA Budget Amendment FY25-E. Walled Lake Drive

Discussed and motion carried for approval prior in meeting.

6. Proposed Resolution 2025-05 Uniform Video Service Local Franchise Agreement with Comcast

City Attorney Vanerian explained this a standard form renewal agreement, it is a carryover from existing agreement for an additional term.

CM 02-08-25 MOTION TO APPROVE RESOLUTION 2025-05 A RESOLUTION GRANTING APPROVAL OF A UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT WITH COMCAST

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve resolution 2025-05 a resolution granting approval of a Uniform Video Service Local Franchise agreement with Comcast.

Roll Call Vote

Ayes (6) Fernandes, Lublin, Owsinek, Woods, Ambrose, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

7. Proposed Resolution 2025-06 City Policy Relative to Poverty Exemption

CM 02-09-25 MOTION TO APPROVE RESOLUTION 2025-06 A RESOLUTION ESTABLISHING POLICY RELATIVE TO THE REVIEW AND GRANTING OF POVERTY EXEMPTIONS BY THE WALLED LAKE BOARD OF REVIEW

Motion by Woods, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve resolution 2025-06 a resolution establishing policy relative to the review and granting of poverty exemptions by the Walled Lake Board of Review.

Roll Call Vote

Ayes (6) Lublin, Owsinek, Woods, Ambrose, Fernandes, Ackley
Nays (0)
Absent (1) Loch
Abstain (0)

COUNCIL COMMENTS

Council Member Fernandes said she was glad to be back at meetings for the new year, she thanked city staff for all they do.

Council Member Lublin said DPW does outstanding work for snow removal, they are on it right away, great job.

Council Member Ambrose invited all to Casey's of Walled Lake to celebrate their annual St. Patrick's Day celebration.

Mayor Pro Tem Woods said he echoes his fellow council members with comments of snow plowing, it is excellent. Mayor Pro Tem Woods said Casey's does a great job for St Patrick's Day and encouraged all to come and invited all to this weekend's Polar Plunge for the Special Olympics. It runs on Saturday March 1st.

MAYOR'S COMMENTS

Mayor Ackley said she has received several emails complimenting the DPW, the Police Department, and treatment provided by city hall staff. Mayor Ackley provided kudos to the city staff and said she was immensely proud to be a part of it. They take care of the community, and they are excellent.

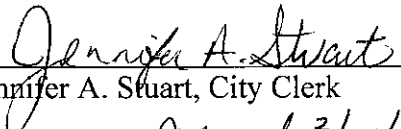
Mayor Ackley asked for clarification what the next step for the Watermark development proposal is.

City Manager Whitt stated that he disagrees with the opposition's remarks made during the meeting. He explained that the developer is simply doing what developers do, trying to maximize the potential of the site. City Manager Whitt clarified that the opposition's viewpoint does not reflect the position of the city administration. He further emphasized that the term "variance" is not appropriate in this case, as the City Council has the authority to make the final decision, with time allotted for a yes or no response. City Manager Whitt described the opposition's remarks as caustic and noted that the DDA board member who spoke did not represent the views of the entire DDA board or the city. While acknowledging that there are parking issues, he mentioned that he will be meeting with the lawyer to discuss the next steps. City Manager Whitt also confirmed that the applicant is allowed to respond to the comments made this evening. He reiterated that there are no variances involved, this is a Commercial Planned Unit Development (CPD), and there is no violation of any ordinance—those accusations are false. He concluded by stating that the developer has not yet received approval.

ADJOURNMENT

CM 02-10-25 ADJOURNMENT

Motion by Owsinek, seconded by Woods: CARRIED UNANIMOUSLY: To adjourn the meeting at 9:20 P.M.



Jennifer A. Stuart, City Clerk
Approved 3/18/25

Linda S. Ackley, Mayor