



**CITY OF WALLED LAKE  
REGULAR COUNCIL MEETING  
TUESDAY, FEBRUARY 19, 2019  
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 Owsinek.

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

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

**OTHERS PRESENT:** City Manager Whitt, Assistant City Manager Pesta, Police Lt. Kolke, Fire Chief Coomer, Finance Director Barlass, City Attorney Vanerian, Deputy City Clerk Gross, and City Clerk Stuart

**REQUESTS FOR AGENDA CHANGES:**

Mayor Ackley moved to have the City Manager Report item #2 directly after Presentations of Oath of Office as there were a number of family members for the Fire Department presentation.

Council Member Costanzo requested Unfinished Business item as number 3 requesting an update on marijuana facilities.

City Manager Whitt introduced Police Lt. Heather Kolke who was acting for Police Chief Shakinias' during his excused absence.

**PRESENTATION – CEREMONIAL OATH OF OFFICE**

Fire Chief Coomer introduced the department's Command Staff present for tonight's presentation; Fire Marshal Jason Gonzalez, acting Fire Captain Karl Brown, Fire Lt. Mary Burd, and acting Fire Lt. Ron Menser.

**2. Public Safety Department – Fire Division**

Fire Chief Coomer introduced three new firefighters of the department who amongst them have over 20 plus years of firefighter experience and recently completed their one-year City of Walled Lake probationary period. Fire Chief Coomer presented badges to Firefighter Peter Bailey,

Firefighter Kevin Corsini, and Firefighter Jason Kelly as recently completing their City of Walled Lake probation period and presented them with their badges.

**b. Years of Service Recognition**

Fire Chief Coomer presented years of service award plaques who have ten or more years with the City as a firefighter of the department. Chief Coomer presented award plaques to Firefighter Menser, Firefighter Routhier, Firefighter Hennessey, Firefighter Murley, Fire Marshal Gonzalez, acting Fire Captain Brown, and Fire Lt. Burd.

**a. Firefighter of the Year Award 2018**

Fire Chief Coomer presented acting Fire Lt. Ronald Menser with the Firefighter of the Year Award for 2018.

**1. Oath of Office administered to Firefighter Peter Bailey**

Ceremonial Oath of Office administered by Deputy City Clerk Gross.

**2. Oath of Office administered to Firefighter Kevin Corsini**

Ceremonial Oath of Office administered by Deputy City Clerk Gross.

**3. Oath of administered to Jason Kelly**

Ceremonial Oath of Office administered by Deputy City Clerk Gross.

Council recessed 7:55 p.m.

Council reconvened 8:01 p.m.

**APPROVAL OF THE MINUTES:**

**1. Regular Council Meeting of January 15, 2019**

**CM 2-1-19 MOTION TO APPROVE THE JANUARY 15, 2019 REGULAR  
COUNCIL MEETING MINUTES**

Motion by Ambrose, seconded by Lublin, UNANIMOUSLY CARRIED: To approve the January 15, 2019 Regular Council Meeting minutes.

Roll Call Vote

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

**AUDIENCE PARTICIPATION:**

Jeff Rondeau, 1159 Wabasso – began his diatribe saying he was the code enforcer in Walled Lake for several years but had moved on to another community. Mr. Rondeau asked the question “Do we have a code enforcement person?” Mr. Rondeau opined that at the last city council meeting someone at the council meeting had criticized him for not being appropriate. Mr. Rondeau stated that the code enforcer working for Walled Lake now obviously does nothing because there is snow everywhere. In his diatribe against city residents and the business community, Mr. Rondeau went on to ask the questions: “Why does grass not be cut? Why does the snow not get shoveled? Who is responsible for that department?”

Mayor Ackley explained to Mr. Rondeau that this was not a question and answer period.

Darlene Ciampa, 1717 Ashstan – Ms. Ciampa said she is concerned about the marijuana conspiracy lawsuit filed in November 2018. Ms. Ciampa said she does not have faith in the city council or city management. Ms. Ciampa stated the marijuana interest came in and bought this town lock stock and barrel.

**COUNCIL REPORT:**

Council Member Ambrose said on February 12, 2019 there was a Lake Improvement Board meeting and items discussed the lake is showing good results, discussion of a continuity report and possibly alternative means to handle the condition of the roads in the winter and over salting of roads that then creates dead spots in the lake from the material that travels to the lake. Mr. Ambrose said the lake is doing well. Mr. Ambrose said there seems to be confusion of residents as to the funding of the Lake Board. Mr. Ambrose said the rumors are being fueled by a past council member and a current council member. Mr. Ambrose explained the Lake Board was established by the residents that live on the lake and those that deeded access. There is no cost to the tax payers, this is by state statute. There was a formula created to how the lake residents would fund the Lake Board. There are no tax dollars that fund the Lake Board, their managed through the City of Walled Lake, City of Novi, a State representative, an Oakland County representative, and a Water Resources representative. Mr. Ambrose explained there seems to some confusion from this council member, when the Lake Board was enacted that it had to be reviewed every five years. Mr. Ambrose explained at the time, the City of Novi residents requested to have the Lake Board reviewed in five years from the initial date to check the progress and status, it was determined to be going terrific and it was a need. There is no further review. Mr. Ambrose said to disband the Lake Board would be a vote of the residents who have deeded access to the lake. The Lake Board is an important asset, it needs to be overseen, and it addresses issues of the lake such as invasive species, marine life, and run off from the road. Mr.

Ambrose said if anyone has questions, he is the representative for Walled Lake and would be happy to answer any questions.

Mayor Pro Tem Owsinek said the Trailway Council met this past week and the agenda item tonight for Boss Engineering is a moot point as the trailway council approved payment. Mr. Owsinek said the reworking of the new interlocal agreement is taking place. Mr. Owsinek explained the new the interlocal agreement must come before each entity individually for approval, then before the trailway council and all three must agree on it.

Mayor Ackley said she, Mayor Pro Tem Owsinek, Council Member Ambrose, and Council Member Costanzo have attended these discussions and meetings, Walled Lake has had the most representation at the trailway meetings and stressed the trailway agreement is being taking very seriously. Mayor Ackley explained that even though there are four council members present at these discussions it does not constitute as a council meeting or quorum violation as these meetings are open to the public and anyone can attend.

#### **CITY MANAGER'S REPORT:**

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

- a. **Police**
- b. **Fire**
- c. **Finance**
  - Warrant
  - Investment Report – December 2018

#### **CM 2-2-19 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS**

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

Roll Call Vote:

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

##### **2. Public Safety Department – Fire Division**

Addressed earlier in the meeting.

- a. **Firefighter of the Year Award 2018**
- b. **Years of Service Recognition**

Manager Whitt said Chief Coomer's presentation was done nicely and congratulated him for putting together a fine team for his department as demonstrated this evening during the award ceremony.

### **3. Water Resource Commission Update**

Finance Director Barlass said working with WRC has been a great transition. Mrs. Barlass said WRC is reliable, responsive, professional, and hold a lot of knowledge. Mrs. Barlass explained WRC continues to add to the city's GIS system. Mrs. Barlass said WRC has been communicating very well with city administration and with DPW Laborer Dan Ladd on the City's system. There was an instance during the recent artic weather service lines were frozen and broke and WRC was out there for a number of hours to repair the issues.

Assistant City Manager Pesta said the WRC transition has been good. Mrs. Pesta explained a lot has been accomplished within the first 30 days. For example, in one day 6 gate valves were located and added to the GIS system from the Carol Acres subdivision. These valves were not able to be located for some time. In addition, replacement of two service fire hydrant were replaced within the same day.

Council Member Ambrose asked for explanation of the benefit of finding these gate valve locations as opposed to not finding them.

Mrs. Pesta explained valves had been buried and were turned off which affected the water pressure in these subdivisions. By finding the location of the gate valves, it allows WRC to only have to turn off one valve that will affect a handful of homes verses the whole subdivision which is what had been occurring in the past when there was a break.

### **4. Update on Million-Dollar Grant received for Decker Road Rehabilitation**

City Manager Whitt said credit is due to the DDA Chairman and Managing Director for obtaining the grant. Mr. Whitt said the DDA for some time has been putting money away in the DDA fund balance for road repairs that service the business districts. Mr. Whitt said working with the consultant city engineer, Mrs. Pesta attended the grant meeting and were prepared to submit. Mr. Whitt explained there is an agreement with the DDA leadership to provide the City funding to match the grant.

Council Member Ambrose/DDA Chairman said the match is \$272,000 he then asked Finance Director Barlass for an estimate of what the fund balance would be.

Finance Director Barlass said approximately \$2 million-dollars.

Council Member Ambrose explained several years ago there was a needs assessment concerning the roads. The DDA and City prepared the necessary documentation to submit for the grant. Mr. Ambrose explained an important part of the grant process is to have the funding available to match the grant. Mr. Ambrose thanked Mrs. Pesta and Mr. Maki for attending the grant meeting and accepting the award on the City's behalf.

City Manager Whitt said the DDA leadership and board have participated with the City's road rehabilitations. Mr. Whitt explained the DDA participated in the Maple Road rehabilitation which was a County project to improve the Maple Road businesses access. Mr. Whitt said the area of Maple and Pontiac Trail will be developed in the future. Mr. Whitt said the DDA Chairman recognized keeping the roads operational is key to feeding the businesses of the community.

Mrs. Pesta explained the DDA had a fund balance as June 30, 2018 an amount of \$1.6 million dollars.

Manager Whitt explained he understands there is a large rehabilitation to take place in Novi in the next couple of years along Novi Road all the way down to 12 Mile Road.

Council Member Ambrose said feeding the business district and rehabilitating the roads is critical as well as having safe sidewalks. Mr. Ambrose explained the CEC building site will be put out for request of projects and the city roads must look good, developers will be looking at that.

#### **5. Marijuana License Update**

City Manager Whitt said one business license has been issued. The license issued was to Green House owned and operated by Mr. Jerry Millen. Mr. Whitt explained he had only met Mr. Millen after the license was issued by the State of Michigan. Mr. Whitt said there is a lot of misinformation being peddled about business licenses, there have been no other licenses issued. Mr. Whitt said the city does not issue marijuana licenses the city issues a business license for a facility to operate. Mr. Whitt said the people who continue to peddle misinformation need to pay attention, "I only met Mr. Millen after the State license was issued". Mr. Whitt said Mr. Millen was the first to be issued a license by the State of Michigan which is a requirement of the issuance of a city business license. Mr. Whitt said no applicant has been denied the applications are being reviewed, the city has a detective assigned to review all the applicants. Manager Whitt said discussions this evening cannot get into the current law suit. Mr. Whitt opined the lawsuit is all bogus. Mr. Whitt said the City Council does not have authority to issue a marijuana license, the State of Michigan has that authority. Mr. Whitt said the council does not have the authority to make him issue a business license. Mr. Whitt said he was recently interviewed by the Oakland Press and was asked about the cartel that is out to get him.

**CORRESPONDENCE:** None

#### **ATTORNEY'S REPORT:**

##### **1. Request for Closed Session to discuss Confidential Attorney Client Communication pursuant to Section 8 (e) of the Open Meetings Act (OMA)**

City Manager Whitt explained the purpose of the closed session was deficient.

City Attorney Vanerian said it was to discuss confidential attorney client communication concerning the proposed amendment to the interlocal agreement.

**CM 2-3-19 MOTION TO ENTER CLOSED SESSION TO DISCUSS  
CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION  
PURSUANT TO SECTION 8 (E) OF THE OPEN MEETINGS ACT  
REGARDING THE PROPOSED AMENDMENT TO THE  
INTERLOCAL AGREEMENT**

Motion by Owsinek, seconded by Robertson: MOTION CARRIED: To enter closed session to discuss confidential attorney client communications pursuant to Section 8 (e) of the Open Meetings Act (OMA) regarding the proposed amendment to the interlocal agreement.

Roll Call Vote

Yes (6)	Loch, Lublin, Owsinek, Robertson, Ambrose, Ackley
No (1)	Costanzo
Absent (0)	
Abstain (0)	

Attorney Vanerian explained the voters of Michigan voted approved a ballot proposal at the November 6, 2018 approving the use of recreational marijuana. Mr. Vanerian said he will provide a detailed report next meeting on the aspects of the law the City will need to address. Mr. Vanerian provided brief information that the new law provided for a number of recreational facilities. An important difference between the medical marijuana and recreational marijuana is that the local community could opt in for medical marijuana creating and adopting an ordinance to allow them, the quantity, and the locations. Mr. Vanerian explained the recreational law is different and Council would have to opt out if they chose not to allow. The new law explains if Council chooses to do nothing takes no action on recreational marijuana, the State would then dictate location and quantity. Mr. Vanerian explained there is a caveat that those who have approved medical facilities will have first opportunity on a recreational facility approval ahead of anyone else. The medical marijuana facility may transition to recreational use or operate both medical marijuana and recreational marijuana facilities. The new law allows both a recreational and medical a facility at same location.

**UNFINISHED BUSINESS:**

- 1. Proposed Resolution 2019-2 Withdraw from the Commerce, Walled Lake, and Wixom Trailway Management Council**

**CM 2-4-19 MOTION TO TABLE FOR 30 DAYS PROPOSED  
RESOLUTION 2019-2 WITHDRAW FROM THE COMMERCE,  
WALLED LAKE, AND WIXOM TRAILWAY MANAGEMENT  
COUNCIL**

Motion by Owsinek, seconded by Ambrose, UNANIMOUSLY CARRIED: To table for 30 days proposed resolution 2019-2 a resolution to withdraw from the Commerce, Walled Lake, and Wixom Trailway Management Council.

Roll Call Vote

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

**2. Proposed Resolution 2019-3 Payment to Boss Engineering for Services Rendered for the MDOT Tap Grant Which Were Delayed Payment by the Trailway Council**

Manager Whitt explained council may make a motion to dispose this resolution as it is no longer valid because the Trailway Council approved payment.

**CM 2-5-19 MOTION TO DISPOSE RESOLUTION 2019-3**

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To dispose resolution 2019-3.

Roll Call Vote

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

**NEW BUSINESS:**

**1. Proposed Resolution 2019-08 Defer Special Meeting Requirements for Budget Adoption**

**CM 2-6-19 MOTION TO APPROVE RESOLUTION 2019-08 A RESOLUTION RESCHEDULING THE FISCAL YEAR BUDGET PRESENTATION SPECIAL COUNCIL MEETING OF MONDAY, MAY 20, 2019 TO THE REGULAR COUNCIL MEETING OF TUESDAY, MAY 21, 2019**

Motion by Lublin, seconded by Costanzo: UNANIMOUSLY CARRIED: To approve resolution 2019-08 a resolution rescheduling the fiscal year budget presentation Special Council Meeting of Monday, May 20, 2019 to the Regular Council Meeting of Tuesday, May 21, 2019.

Roll Call Vote

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

**2. Request to Schedule Public Hearing for May 21, 2019 Regarding Proposed Budget for Fiscal Year 2020-2021**

**CM   2-7-19           MOTION TO APPROVE SCHEDULING OF PUBLIC HEARING FOR PROPOSED BUDGET ON MAY 21, 2019 AT 7:30 P.M.**

Motion by Costanzo, seconded by Lublin: UNANIMOUSLY CARRIED: To approve scheduling of public hearing for proposed budget on May 21, 2019 at 7:30 p.m.

Roll Call Vote

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

Finance Director Barlass asked Council if the proposed budget work sessions dates that she provided at last meeting were acceptable with everyone's schedules.

Council discussed the following dates:

Saturday March 23, 2019 at 9:00 a.m.  
Wednesday, March 27, 2019 at 6:30 p.m.  
Wednesday, April 10, 2019 at 6:30 p.m.

**CM   2-8-19           MOTION TO APPROVE THE DATES FOR THE STRATEGIC BUDGET WORK SESSIONS**

Motion by Robertson, seconded by Owsinek: UNANIMOUSLY CARRIED: To approve dates for the strategic budget work sessions.

Roll Call Vote

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

**COUNCIL COMMENTS:**

Council Member Costanzo said the event field is underutilized and suggested Council consider selling it. Mr. Costanzo said he wanted to thank the Lakes Area Chamber of Commerce.

City Manager Whitt said the annual Chamber of Commerce State of the Lakes is March 26<sup>th</sup>.

Mayor Pro Tem Owsinek thanked the DPW for nice snow plowing recently with the heavy snow and commended the Fire Chief on his presentation and his staff.

**MAYOR'S REPORT:**

Mayor Ackley said she also commends the Fire Chief and his staff. Mayor Ackley said the discussions on the interlocal agreement are going well.

Council recessed 8:53 p.m.

Council reconvened 9:08 p.m.

Council entered closed session 9:08 p.m.

Council arose from closed session 9:40 p.m.

**ADJOURNMENT**

Meeting adjourned at 9:41 p.m.

  
\_\_\_\_\_  
Jennifer A. Stuart, City Clerk

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

*Approved 3/19/19*