



**CITY OF WALLED LAKE  
REGULAR COUNCIL MEETING  
TUESDAY, FEBRUARY 20, 2018  
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 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, Police Chief Shakinis, Fire Chief Coomer, Finance Director Coogan, Treasurer Barlass, and City Clerk Stuart

**CM 2-21-18 MOTION TO EXCUSE COUNCIL MEMBER AMBROSE AND COUNCIL MEMBER LOCH FROM TONIGHT'S MEETING**

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

**REQUESTS FOR AGENDA CHANGES:**

Mayor Ackley requested that the Mayors Report item #1 be moved to just after audience participation.

Finance Director Coogan requested to add an item proposed resolution 2018-09 as New Business. Mayor Ackley added to agenda under New Business #6.

**APPROVAL OF THE MINUTES:**

**1. Regular Council Meeting Minutes of December 19, 2017**

**CM 2-22-18 TO APPROVE THE DECEMBER 19, 2017 REGULAR COUNCIL MEETING MINUTES**

Motion by Lublin, seconded by Owsinek, MOTION CARRIED: To approve the December 19, 2017 Regular Council meeting minutes.

## Discussion

Council Member Costanzo said when Council tabled this at last month's meeting there was a question about audience participation specifically comments made by an elected politician from a neighboring community. Mr. Costanzo opined that the comments made by the politician were relevant to the discussion regarding the medical marijuana facilities in the city. Mr. Costanzo explained that he was under the understanding that an audio review of the recording would be done, and the comments of the politician would be captured in the City of Walled Lake's minutes.

Mayor Ackley explained to Council Member Costanzo that his assumption was not correct and additionally explained that, what was stated was that an audit would be done of the audio recording. Mayor Ackley further explained that after review, it was decided that many of the comments by the opinionated elected official from the other community were not pertinent to the City of Walled Lake, but actually rather political in context so those comments were not recommended to be part of the City's official minutes.

## Roll Call Vote

Yes (4)	Lublin, Owsinek, Robertson, Ackley
No (1)	Costanzo
Absent (2)	Ambrose, Loch
Abstain (0)	

(4-1) MOTION CARRIED

## 2. Special Council Meeting Minutes of January 11, 2018

**CM 2-23-18 TO APPROVE THE JANUARY 11, 2018 SPECIAL COUNCIL MEETING MINUTES**

Motion by Owsinek, seconded by Lublin, MOTION CARRIED: To approve the January 11, 2018 Special Council meeting minutes.

Council Member Costanzo opined that when the Council Meeting was adjourned on January 25<sup>th</sup> it does not note the reason why, and he felt it was important to note that people were denied access to the open meeting and because there was a violation of the Open Meetings Act the meeting was adjourned. <sup>1</sup>

Mayor Ackley corrected the misstated premise of Council Member Costanzo that there was a violation of the Open Meetings Act explaining that after discussion at the previous Council Meeting the motion was to recess the Council Meeting to a larger venue and there was no violation of the Open Meeting Act.

<sup>1</sup> Clerk's Note: Council Member Costanzo seconded and voted yes on CM 1-21-18 from the January 25, 2018. Motion to recess meeting to host at a larger venue, meeting to be held at the Fire Hall on February 1, 2018.

Mayor Ackley further explained to Council Member Costanzo that he cannot rewrite a motion of another council member from a prior meeting if that's not what the motion stated.

City Manager Whitt explained that Council Member Costanzo's statements at the meeting that the City Council had committed a violation of the Open Meeting Act were incorrect. City Manager Whitt explained there was no violation of the Open Meetings Act by the City Council as remarked by Council Member Costanzo, that the City Council simply decided, after discussion, to accommodate a larger crowd. City Manager Whitt stated that the Council could have continued the meeting, as there was no impropriety or violation of the Open Meetings Act as stated by Council Member Costanzo and for Council Member Costanzo to imply there was a violation of the Open Meetings Act was inappropriate and wrong. City Manager Whitt explained that the Respondent, Helke's lawyer, called for a recess of the meeting as he wanted to allow everyone to speak and the City Council wanted to provide everyone an opportunity to make comments. City Manager Whitt opined that Council Member Costanzo's implying there was a violation of the Open Meetings Act is that the Council Member was inappropriate and wrong.

Mayor Ackley explained again, the fact that the City Council cannot change the wording of a prior motion.

City Manager Whitt explained that the Open Meeting Act did not require the Council to adjourn the meeting to a larger meeting room but the City Council exercising reasonable efforts to accommodate interested members of the public recessed the meeting to provide a larger venue so everyone could attend and the day the Council Meeting was recessed everyone who had been in the parking lot was inside by the time the meeting began. Manager Whitt reiterated that as a matter of law the Council Meeting was not a violation of the Open Meetings Act and could have continued, but the City Council voted to recess the meeting to provide a larger venue. City Manager Whitt stated that it was simply not appropriate to state in the minutes there was an Open Meetings Act violation, something that did not occur.

Council Member Costanzo moved that the Special Meeting minutes of the January 11<sup>th</sup> meeting that was recessed to January 25<sup>th</sup> and then recesses to February 1<sup>st</sup> that an independent transcriber be provided a copy of the audio recording of the February hearing and that the entire fully transcribed copy of that hearing be included in the minutes.

Mayor Ackley explained that there was a pending motion on the table.

Council Member Costanzo opined that there were omissions in the minutes. Council Member Costanzo opined that would be lengthy but because of the proceedings there should have been a full transcription done.

Mayor Ackley questioned whether there was a full video recording.

City Manager Whitt explained that council meeting minutes are just that, they are not a full transcription and that Council Member Costanzo is talking about transcribing the proceeding and paying someone to do that for a different purpose. City Manager Whitt opined that Council Member Costanzo wanted a full transcription and wanted the city to bear that cost.

City Manager Whitt stated that audio and video of the meeting are available and anyone who wants copies may request copies, further explaining that anyone who wants to pay the cost to have those videos transcribed can do so.

Mayor Ackley explained to Council Member Costanzo that city council minutes are never submitted word for word, as Mr. Whitt explained. Mayor Ackley further explained that anyone who wanted a copy of the video could request and pay for a copy of the video and if someone wants a complete transcription they can pay to have it transcribed but that is not the responsibility of the City to pay that cost unless the City needs it for City purposes.

Roll Call Vote

Yes (4)	Lublin, Owsinek, Robertson, Ackley
No (1)	Costanzo
Absent (2)	Loch, Ambrose
Abstain (0)	

(4-1) MOTION CARRIED

**3. Regular Council Meeting Minutes of January 16, 2018**

**CM 2-24-18 TO APPROVE THE JANUARY 16, 2018 REGULAR COUNCIL MEETING MINUTES**

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve the January 16, 2018 Regular Council meeting minutes.

Roll Call Vote

Yes (5)	Lublin, Owsinek, Robertson, Costanzo, Ackley
No (0)	
Absent (2)	Loch, Ambrose
Abstain (0)	

**4. Special Council Meeting of February 6, 2018**

**CM 2-25-18 TO APPROVE THE FEBRUARY 6, 2018 SPECIAL COUNCIL MEETING MINUTES**

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve the February 6, 2018 Special Council meeting minutes.

Roll Call Vote

Yes (5) Lublin, Owsinek, Robertson, Costanzo, Ackley  
No (0)  
Absent (2) Ambrose, Loch  
Abstain (0)

**AUDIENCE PARTICIPATION:**

City Clerk Stuart Read the rules for Audience Participation.

Debra Haas – said she lives in Commerce and refuses to sign the signs in sheet because it was stolen last time. Ms. Haas said she does not know why Council takes a vote because it is all one sided.

Jeff Zug, 420 Wellsboro Street – said the City is currently in a lawsuit with the Walled Lake School district over the CEC building. Mr. Zug said the city needs to think about what's going to go on the site, what's going to be the anchor, and consider that across the street the Council approved a development on a land mark piece of property that is to like a downtown walking area, however the only way to connect those two pieces of property in any way shape or form is for a pedestrian to cross 4 lanes of Maple Road and the median lane or they walk on the street along Wellsboro to access the sidewalk in front of Legato Point. Mr. Zug suggested contacting the Wyndom Garden in Sterling Heights formerly known as the best Western Sterling Heights. Another suggestion would be to contact some of the local indoor sporting facilities for a hockey rink or miniature golf course and talk to copper mug about bring the batting cages indoors. Mr. Zug explained he would like to see Walled Lake as a destination spot and instead of a drive through spot because when there is a walking area with no access to it people will continue to be a commute through town not stopping.

Cheryl Flammer, 3557 Clark Circle, Commerce Township, she is here tonight to represent the Banks Dolbeer Historic Home and Lakes Area Historical Foundation. Ms. Flammer said thank you to Dennis Whitt for meeting with herself and Bruce Segland, LACF Lawyer. Ms. Flammer said the foundation wants to have this building be used for a historical museum and community use space. The foundation does a lot of outreach, Facebook, and website.

Scott Toth, 455 Sparks Lane – said his property has severe flooding issues and based on this history he is concerned with a new development and having another drainage pond that will be about 1000 feet away from his property. He said the East Bay pumps had stopped working, their detention pond is almost over the berm and he has two feet of water in his back yard. Mr. Toth placed a brand-new shed a year ago and has an inch to an inch and a half of water in it currently right now with all of his belongings inside being ruined. Mr. Toth said he should have looked at all of the elevations before purchasing his property however, the flooding is severe and needs to be addressed.

Sandra Price of Commerce – She thinks it’s great that we had a gentleman here talking about putting in a bed and breakfast and a hotel with a water park.

John Henehan 1545 Leon – said there was a Planning Commission meeting on February 13<sup>th</sup> with a proposal for a development by Schafer Development they provided a conceptual plan for housing off of Decker, Leon, Oakgrove, North St. and North Ave. Mr. Henehan said there was a very large audience turnout he suggested the Council approve notices to be sent beyond the 300 feet requirement because there are a lot of people that are concerned. Mr. Henehan said he obtained signatures for a petition of people that oppose the plan. Mr. Henehan said the traffic study only mentioned Leon and he would like all the adjacent streets studied for traffic study.

City Manager Whitt stated Mr. Henehan seems to be really involved and asked for his assistance on this particular project with people within the community. Manager Whitt said this proposal is a concept drawing and nothing more. Manager Whitt explained as a planning commissioner he would not have voted for the proposal a lot of work needs to be done. Manager Whitt said the developer and the property owners will be provided their due process. Manager Whitt said the law requires the Council to act no matter what the Planning Commission approves. Manager Whitt explained the Council has the final say on the PUD. Manager Whitt said he wants to make sure these concerns of the development get to the Council and Planning Commission. Mr. Henehan said yes, he is willing to be a liaison, the communication process could be used as step forward to better communication.

Mayor Ackley said there was a development in the past the City fought going in, it was not a good fit with the City and the development failed.

Mark Toth, 1111 Quinif- said he is the father of the gentlemen with the underground swimming pool in his yard from flooding. Mr. Toth said he appreciates the candor of this Council by saying how mistakes can be made. Mr. Toth explained he is attuned with the EPA and the DEQ. Mr. Toth opined the property where his son lives, is an absolute cesspool from flooding.

Ruth Stice, 541 Winwood Circle – said she agrees with those who spoke about their flooded properties something must be done.

Kathy Kubik said she lives in Commerce and asked how much Council spent to get rid of Mrs. Helke.

Karen Kolke, 179 Spring Park – asked about medical marihuana and why the quantity of processing plants changed from 2 to 3. Ms. Kolke thanked the police and fire department for the good job they do.

Kenneth Kolke, 179 Spring Park – asked Council about the February 13, 2018 Planning Commission meeting and said the approval was extended for Mr. Maher. Mayor Ackley said the applicant must go back to the Zoning Board of Appeals also because the approval expired.

Susan Helke, 1361 Shaw – said she would like to address Mr. Costanzo’s request about the minutes of January 11, 2018, January 25, 2018, and February 1, 2018 meeting. Mrs. Helke said

there is a pattern of disrespect toward elected officials by this City. Mrs. Helke opined there are paragraphs of speakers in the minutes, out of respect the comments of Mr. Scott should be in the minutes.

## **MAYOR'S REPORT**

### **1. Proposed Resolution 2018-08 Accepting the Mayor's nomination to appoint Katie DuBois to the parks and Recreation Commission**

Mayor Ackley said Ms. DuBois works at Lil Nels pet salon in the City. Mayor Ackley said Ms. DuBois is a very enthusiastic individual with great ideas.

**CM 2-26-18 APPROVE RESOLUTION 2018-08 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 AN APPOINTMENT TO TH PARKS AND RECREATION COMMISSION FOR AN UNEXPIRED TERM**

Motion by Lublin, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve resolution 2018-08 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 an appointment to the Parks and Recreation Commission for an unexpired term

#### Roll Call Vote

Yes (5) Owsinek, Robertson, Costanzo, Lublin, Ackley  
No (0)  
Absent (2) Ambrose, Loch  
Abstain (0)

## **COUNCIL REPORT:**

Mayor Pro Tem Owsinek reported on the recent February 13, 2018 Planning Commission meeting. Mr. Owsinek said applicant, Mr. Maher, was granted a six-month extension by the Planning Commission and explained the applicant for the lot split and lot combination on Beverly was granted a consent judgement by the judge.

Council Member Lublin said the Library Board met and voted to hire another full-time librarian.

**CITY MANAGER'S REPORT:**

**1. Departmental / Divisional Statistical Reports**

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

**-Warrant Report #2-2018**

**CM 2-27-18 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS**

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

Discussion

Council Member Costanzo asked about warrant item on page 100 The Library Network payments.

City Manager Whitt explained the Library is a component unit of the city and its budget is operated by the Library Board.

Roll Call Vote:

Yes (5) Robertson, Costanzo, Lublin, Owsinek, Ackley  
No (0)  
Absent (2) Ambrose, Loch  
Abstain (0)

**2. ITC v City of Walled lake et al – OCCC Case No. 16-1574784-CC**

City Manager Whitt said this is a request to move on a consent judgement as recommended by the City Attorney. Mr. Whitt explained the Taco Bell development was approved under a CPD agreement. Manager Whitt said the new ITC vegetation easement needs to be reflected in the CPD agreement. Manager Whitt explained this consent judgement addresses a modification to the original CPD and it needs to be amended.

**CM 2-28-18 MOTION TO APPROVE CONSENT AGREEMENT TO AMEND THE CPD AGREEMENT FOR TACO BELL**

Motion by Owsinek, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve the consent agreement to amend the CPD agreement for Taco Bell.

Discussion

Council Member Costanzo asked for clarification if a lighted pathway near the trail will be placed.

Manager Whitt explained ITC has vegetation easement any natural vegetation that is removed the consent judgment redesigns the area to address this.

Roll Call Vote:

Yes (5) Costanzo, Lublin, Owsinek, Robertson, Ackley  
No (0)  
Absent (2) Ambrose, Loch  
Abstain (0)

**3. Report of financial statements as required by Act 2 of Public Acts of 1968, the Government Auditing Standards and in accordance with Single Audit Act Amendments of 1996, OMB A-133**

City Manager Whitt said this is regarding the annual audit. Manager Whitt said the engagement letter is on page 106 of the packet, this is the original document. Manager Whitt said the auditors work for management, independent discussions with the auditing firm costs money. Manager Whitt said actions need to come through council not direct contact with the auditors. Manager Whitt said to be transparent the document should be received and filed.

**CM 2-29-18 MOTION TO RECEIVE AND FILE THE AUDITORS AGREEMENT FOR 2017, 2018, AND 2019**

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: To receive and file the auditor's agreement for 2017, 2018, and 2019.

Discussion

City Manager Whitt explained Council Members do not have the right of inquiry individually, it would have a cost of thousands of dollars. City Manager Whitt said the City received an unqualified opinion on the city audit, no fraud and the independent auditors can be brought back before council if there are questions by council members.

Council Member Costanzo said he spoke with the Attorney General and who told him he had the right to do what he did. Council Member Costanzo said there was a signer on an account that no longer is employed by the City. City Manager Whitt explained that the audit preparations are produced by staff and going behind the back of the staff is insulting to staff members.

Council Member Costanzo said for follow up question to get clarity and insight and he said the signer on the account if they withdrew money after they left employment with the City.

Mayor Ackley said no council member has the authority to expend money without consent of the board. City Manager Whitt explained that if there are questions about the independent audit they are to be brought before the City Council.

Finance Director Coogan said the account was old bond account; the account mailing address was incorrect. Ms. Coogan said there were no withdrawals from the account it was an investment account. Ms. Coogan said Finance would prefer to close account.

Roll Call Vote:

Yes (5) Costanzo, Lublin, Owsinek, Robertson, Ackley  
No (0)  
Absent (2) Loch, Ambrose  
Abstain (0)

**CORRESPONDENCE:** None

**ATTORNEY'S REPORT:** None

City Manager Whitt said the next meeting concerning the Community Education Center on February 28, 2018 is the date of the school board hearing. Manager Whitt said the judge will make the ruling from the bench.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**1. Proposed Resolution 2018-05 Adoption of the Parks and Recreation Master Plan 2018-2022**

Finance Director Coogan said the Master Plan has been updated addressing infrastructure with the number one focus on Sims Park. Ms. Coogan said the commission did a walk through on all the parks and are pleased to present to Council for approval.

**CM 2-30-18 APPROVE RESOLUTION 2018-05 A RESOLUTION OF THE CITY OF WALLED LAKE CITY COUNCIL ADOPTING THE PARKS AND RECREATION MASTER PLAN 2018-2022**

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: Motion to approve resolution 2018-05 a resolution of the City of Walled Lake City Council adopting the Parks and Recreation Master Plan 2018-2022.

Roll Call Vote

Yes (5) Lublin, Owsinek, Robertson, Costanzo, Ackley  
No (0)  
Absent (2) Loch, Ambrose  
Abstain (0)

**2. Proposed Resolution 2018-06 Police and Fire Dispatch Service Agreement between the City of Walled Lake and Oakland County April 1, 2018 – March 31, 2021**

Police Chief Shakinis said this agreement is a three-year extension of existing services and are satisfied with services.

**CM 2-31-18 APPROVE RESOLUTION 2018-06 A RESOLUTION APPROVING THE POLICE AND FIRE DISPATCH SERVICE AGREEMENT BETWEEN THE COUNTY OF OAKLAND AND THE CITY OF WALLED LAKE APRIL 1, 2018- MARCH 31, 2021**

Motion by Costanzo, seconded by Lublin, UNANIMOUSLY CARRIED: Motion to approve resolution 2018-06 a resolution approving the police and fire dispatch service agreement between the County of Oakland and the City of Walled Lake April 1, 2018- March 31, 2021.

Roll Call Vote

Yes (5) Lublin, Owsinek, Robertson, Costanzo, Ackley  
No (0)  
Absent (2) Ambrose, Loch  
Abstain (0)

**3. Proposed Resolution 2081-07 Utility Rescue Vehicle Replacement**

Fire Chief Coomer said the department is requesting replacement of the 1988 vehicle which is 20 years old. Mr. Coomer said the vehicle is obsolete, and parts cannot be found without great difficulty. Mr. Coomer said the new design is downsized from the existing vehicle. Mr. Coomer said the department recommends bid from vendor R & R. Mr. Coomer explained the rescue vehicle will house the hydraulic tools and water rescue equipment plus it is licensed in state and county for EMS calls.

Council Member Lublin added this was a planned expenditure for this budget year. Finance Director Coogan said the Fire Chief lessened the cost by \$70,000 by reconfiguring the vehicle layout.

**CM 2-32-18 APPROVE RESOLUTION 2018-07 A RESOLUTION APPROVING FOR PURCHASE FOR THE DEPARTMENT OF PUBLIC SAFETY FIRE DIVISION UTILITY RESCUE VEHICLE REPLACEMENT**

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve resolution 2018-07 a resolution approving for purchase for the Department of Public Safety Fire Division utility rescue vehicle replacement

Roll Call Vote

Yes (5) Owsinek, Robertson, Costanzo, Lublin, Ackley  
No (0)  
Absent (2) Ambrose, Loch  
Abstain (0)

**4. Consideration of Metro Environmental Services for Portable Restroom Bids**

**CM 2-33-18 TO APPROVE SERVICE CONTRACT WITH METRO ENVIRONMENTAL FOR PORTABLE RESTROOM SERVICES FOR 2018 SEASON**

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: To approve service contract with Metro Environmental for portable restroom services for 2018 season.

Roll Call Vote

Yes (5) Robertson, Costanzo, Lublin, Owsinek, Ackley  
No (0)  
Absent (2) Ambrose, Loch  
Abstain (0)

**5. Planning Commission recommendation for Lot Split for 1364 Beverly**

**CM 2-34-18 TO APPROVE LOT SPLIT AND LOT COMBINATION AT 1364 BEVERLY**

Motion by Robertson, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve lot split and lot combination at 1364 Beverly.

Roll Call Vote

Yes (5) Costanzo, Lublin, Owsinek, Robertson, Ackley  
No (0)  
Absent (2) Ambrose, Loch  
Abstain (0)

**6. Proposed Resolution 2018-09 1275 E. west Maple and a portion of the Greenaway Drain enclosure bid award**

Finance Director Coogan said the bid came in from Commerce phase I and phase II under \$200,000.

**CM 2-35-18 TO APPROVE RESOLUTION 2018-09 A RESOLUTION AWARDING A BID TO ENCLOSE A PORTION OF THE GREENAWAY DRAIN AT 1275 E. WEST MAPLE AND APPROVE THE ANCILLARY SITE POLLUTION ABATEMENT WORK**

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2018-09 a resolution awarding a bid to enclose a portion of the Greenaway Drain at 1275 E. West Maple and approve the ancillary site pollution abatement work.

Roll Call Vote

Yes (5) Costanzo, Lublin, Owsinek, Robertson, Ackley  
No (0)  
Absent (2) Ambrose, Loch  
Abstain

**COUNCIL COMMENTS**

Council Member Lublin said he attended the recent Planning Commission meeting, he said he was conflicted and he feels for both sides. Mr. Lublin said he appreciates the volunteer's and said thank you to the volunteers on the boards and commissions.

Council Member Costanzo explained his support of the Oakland Mainstreet program and encouraged the City's DDA to reach out to them.

City Manager Whitt said the DDA Chairman requested the discussion before the board of entering the Main Street program again. Manager Whitt said there needs to be identifiable benefits, the Main Street program is not a DDA program and concepts fronted by Main Street act independent of the DDA and City.

Mayor Ackley said she would like to make a request of Council to change the audience participation rules. Mayor requested to add if a person doesn't want to abide by the request and conditions of the city's Audience Participation Rules that they not be allowed to talk. Mayor explained that the request is to sign the sign in sheet. Mayor said the comment was brought up participants didn't want to sign in because it was stolen. Mayor stated the City is well aware of what happened to the sign in sheet and charges will be forthcoming from the fact the city meeting sign in sheet was stolen. Mayor explained the sign in sheet is a simple request if participates decline then they will not have an opportunity to speak at the meeting.

**CM 2-36-18 MOTION TO AMEND AUDIENCE PARTICIPATION RULES**

Motion by Lublin, seconded by Owsinek

Discussion

Council Member Costanzo stated the OMA 1976 states in it that it not be a condition to give your name or sign in for the record and he would prefer that before the council decide on this that we actually check what the law is because he believes the OMA does not require someone to sign in or give their name for the record.

City Manager Whitt said the OMA, what the councilmen just cited means that you can't exclude somebody from attending. Council has authority to enact rules and have speakers sign in to speak.

Council Member Lublin withdrew motion to discuss with City Attorney.

**MAYOR'S REPORT**

Mayor Ackley addressed after audience participation.

- 1. Proposed Resolution 2018-08 Accepting the Mayor's nomination to appoint Katie DuBois to the parks and Recreation Commission**

**ADJOURNMENT**

Meeting adjourned at 9:40 p.m.

  
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Jennifer A. Stuart, City Clerk  
*approved 3/20/18*

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