



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, JANUARY 15, 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 Chief Shakinis, Fire Chief Coomer, Finance Director Barlass, City Attorney Vanerian, Deputy Clerk Gross, and City Clerk Stuart

REQUESTS FOR AGENDA CHANGES:

City Manager Whitt said he is pointing out that on the agenda in the form of Correspondence item is a formal request from resident Ms. Hewitt requesting to be on the agenda. Manager Whitt explained that there is a three-minute speaking time frame and it would be up to Council to extent that time taking into consideration that there is a large agenda.

Council Member Costanzo said he wanted to add an item 5 under Unfinished Business the Financial Audit Summary from the last meeting and also an item 3 under New Business the Michigan Airline Trail Budget.

Mayor Pro Tem Owsinek said he would like to introduce a resolution as a new item 2 under New Business, a resolution to withdraw from the Commerce, Walled Lake, and Wixom Trailway Management Council.

Council Member Costanzo asked for a second Audience Participation at the conclusion of New Business.

**CM 1-1-19 MOTION TO ADD A SECOND AUDIENCE PARTICIPATION
AGENDA ITEM AFTER NEW BUSINESS**

Motion by Costanzo, no second. Motion died due to lack of support.

APPROVAL OF THE MINUTES:

1. Regular Council Meeting of November 5, 2018

CM 1-2-19 TO APPROVE THE NOVEMBER 5, 2018 REGULAR COUNCIL MEETING MINUTES

Motion by Ambrose, seconded by Lublin:

Discussion

Council Member Costanzo said page 4 of the minutes needs to be amended to read “why the letter is different” not “why the letter is separate”. Mr. Costanzo said he did not say separate. There were two different letters, it was a different letter. Mr. Costanzo said page 5 of minutes do not reflect his specific questions.

City Manager Whitt opined that Council Member Costanzo was requesting to rewrite the minutes. Council Member Costanzo has the same information that was provided to the auditors and his question was answered at the last meeting. City Manager Whitt explained that it was very clear, and the recent audit showed, that the budget expenditures were under budget a million dollars and that Council Member Costanzo received a response to his questions.

CM 1-3-19 TO HAVE THE CITY CLERK COMPLETE MINUTES WORD FOR WORD

Motion by Costanzo, no second. Motion died due to lack of support.

CM 1-4-19 TO AMEND MINUTES, PAGE 2, LAST PARAGRAPH TO REMOVE AND CHANGE WORDING FROM ‘SEPARATE’ TO ‘DIFFERENT’

Motion by Costanzo, seconded by Ambrose, MOTION FAILED: To amend the minutes, page 2, last paragraph to change wording from ‘separate’ to ‘different’.

City Manager Whitt explained to Council this is the same issue of Council Member Costanzo trying to rewrite the clerk’s minutes. City Manager Whitt explained that a council member cannot change the minutes to what they wanted to say or what they meant to say. Manager Whitt stated that the clerk would have to check the audio if it is requested and sent back to the Clerk for review of the audio.

Mayor Ackley said there is a motion on the floor.

Mayor Pro Tem Owsinek called motion to question.

Roll Call Vote

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

CM 1-5-19 TO APPROVE THE NOVEMBER 5, 2018 MINUTES AS WRITTEN

Motion by Ambrose, seconded by Owsinek, MOTION CARRIED: To approve the November 5, 2018 minutes as written.

Roll Call Vote

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

AUDIENCE PARTICIPATION:

Assistant City Manager Pesta read Audience Participation rules into the record.

David Scott, Commerce Township Supervisor and President to the Michigan Airline Trail Group, said thank you to the council members who took time to speak with him on Trail issues.

Supervisor Scott stated they need the City to participate this a multimillion endeavor and nothing that has to come out of the City's pocket.

Supervisor Scott stated he implored the Council to disregard, if not deny, the motion to take money away from the trail and throw out the addition to withdrawal from the Airline Trail. Supervisor Scott stated they have money to continue and the City would have to contribute. It would be silly to walk away but they are at the finish line.

Supervisor Scott explained that he had not been involved with the Trail from the beginning but opined that he can tell this is a win for the community and the trail is an asset that will bring business to the City of Walled Lake. Supervisor Scott said that if the City needs money to match the grant, he is here and thanked Council for their time.

Diane Crone, 139 Welfare – explained what she read in the Spinal Column for the vote about funding for the trail that the citizens of Walled Lake did not want this trail. Ms. Crone said she voted no only because there was a caveat in writing that the money could be used not only for the trail but whatever the City wants to utilize it for. She said she wants the trail. Ms. Crone said the trail connects us to all the other communities. Ms. Crone said our businesses are on that trail, people stop and utilize those businesses, looking at little towns along the trails. Ms. Crone said

Council is going to place items on the ballot it has to go directly to that area and nothing else, Council has a new business item reallocating funds to somewhere else. There are other ways to fund the City's infrastructure. Ms. Crone said she is a firm supporter of the trail and if asking for any tax increase it has to go for that issue only.

Darlene Ciampa, 1717 Ashstan – explained she is an insurance expert, stating she knows that these people, these good people in Commerce, Wixom, and State of Michigan, that put their necks out on the line for the Trailway and they are not going to leave Walled Lake out there saying we got off free.

Jeff Rondeau, 1159 Wabasso – explained he has lived in the community for 30 years and Walled Lake looks today like it did 30 years ago with the only change being the City Hall complex. Mr. Rondeau stated the city hall complex looks beautiful, but it wasn't needed. We really don't need a city manager who is over here 10 hours a week. Rondeau stated, "I'll be honest, I have seen it myself. It is time to call a spade a spade. You make too much money for doing nothing. It's the truth. We are being fleeced; do your jobs."

Jennifer Boylan, 919 Bluffton – said this trail is a future thing, this is why she and her family moved here. Ms. Boylan opined that what is needed is more restaurants maybe with condos above and to the City needs to get younger people here, the people that want to bike and want to use this stuff. Ms. Boylan said she has kids; they would love to bike. Ms. Boylan said, you have on the agenda a Segway purchase for the police, How about a bike? If they do need a Segway maybe they need to work on the bike trail a little bit more.

John Hensler, Michigan Airline Trailway Manager – he wanted to ask for approval of the budget that Councilman Costanzo put on the agenda. It is key to our operations if we get budget approved, we can get the Boss invoice paid tomorrow, we can get the Greenaway Drain repaired. We have a vendor ready to go and are working with the Water Resource Commission. Mr. Hensler read into the record, comments from Mr. Bob Wilson, Director of the Michigan Trails and Greenway Alliance.

My name is Bob Wilson, and I am the Executive Director of the Michigan Trails and Greenway Alliance. Michigan Trails is the statewide voice for all non-motorized trail groups in Michigan. We advocate for policy and funding for trail building in Michigan and our principal current project is completing the Great Lake to Lake Trail Route #1 which will link 8 counties and numerous municipalities like yours to create a destination trail that will drive local economies and improve the quality of life for residents and users along the trail. I understand that the city of Walled Lake is proposing to rescind a very significant \$420,000 commitment to fund the grant that has been certified by the TAP-grant applicant City of Wixom. This trail work is an essential link in the 315-mile long Great Lake to Lake Trail Route #1 that is due to open later this summer and we are extremely concerned that failure to honor a commitment will result in a substantial detriment to businesses, organizations, trail managers and hundreds of trail users from South Haven to Port Huron that have taken steps to plan for the opening of the trail.

Although some may assert that trails do not merit funding on the same tier as other public infrastructure, I want you to know that Michigan Law expressly recognizes the essential public necessity of trails in Michigan and that the legislature has declared both trails and trail amenities as a valid public purpose. For these reasons, we strongly urge you to honor your commitment and not divert funds that have been publicly committed to completing this trail. Any changes you make in the use of these funds will likely cause significant setback to the numerous communities and citizens who are relying upon the construction of this trail.

I understand that the project has been advertised through the MDOT Local Agency Program and we are looking forward to the commencement of the construction phase. As we have just recently completed our fourth Great Lake to Lake Trail Summit, I can tell you firsthand that the enthusiasm and support for the trail and the inaugural ride this fall couldn't be better and that our riders and other users can't wait to visit the numerous communities along the route. We have made a sizeable and significant long-term commitment to this trail and have plans to open the trail with an inaugural ride to be sponsored by Blue Cross, Blue Shield, ITC Holdings and Two Men and A Truck and the Jewish Foundation of Greater Ann Arbor. In fact, we are in contact with the Governor's office and will soon extend an invitation for the Governor to officially open the trail this fall! As we are making progress toward completing the Great Lake to Lake Trail Route #1, it is critical that all communities and trail segments along the route continue to maintain their support for these key trail projects. I know you understand the impact that trails can and do have on building strong communities and linking the divides that can sometime cause separation.

It is my sincere hope that you will honor the very-public commitment you have made to the people and businesses of this region and stand behind the original decision you have made to support the trail with the \$420,000 commitment.

Michael Ruter, West Bloomfield, president of American Cycle and Fitness – said he has been in business 25 years and has been serving the local communities Wixom, Walled Lake, Commerce, West Bloomfield, and Novi. Mr. Ruter said customers ask where they can safely ride? Mr. Ruter said all these years he has been waiting for the trail to come up and now it is close. If the gap on the trail is not filled, then it will be hard. Mr. Ruter said as a local business, one of the commitments he had made for the depot area, was to donate a bicycle repair stand.

Marilyn Boylan, 761 E. Walled Lake Drive – asked how many council members have ridden the trail. Mrs. Boylan said there is enjoyment, the trail is big to them. Mrs. Boylan said they used to live in Dearborn and utilized Hines Drive but around here they utilize Pontiac Trail for riding, it is not safe. Mrs. Boylan said she want Council to understand how important the trail is to them, it is a beautiful thing. Mrs. Boylan asked how many grant applications have been sent out? She said she has a huge problem with the lack of feedback from Council and the communication. Mrs. Boylan said only after Council has spoken then the public knows how Council stands, but if the public has questions, the vote is already taken. She suggested having future meetings with communications at the end of the meeting.

Mayor Ackley explained Audience Participation is for Council to listen to comments before action is taken.

Jeff Zug, 420 Wellsboro – said he was at the initial Tri-A meeting and in advance of the next meeting, his concerns as a business person and an expert in business, he is aware of multiple companies here in the United States who operate as a business buying city water rights, then they go and find the most damaged section of the water sections, they repair it and then they keep the water rates the same. Then they start bringing in lots and lots of cash. Mr. Zug asked in this proposal to repair the Tri-A subdivision, where Council is planning to charge the residents to repair the streets, he wants Council to prove to him the ratio of water, not the cost, but for every gallon of water that comes into this city and doesn't leave the city on the other side, how much of it actually gets charged back to the resident. Mr. Zug said in other words, if the City is not at 1.25 to 1, the City should either be funding this street repair, or should be dramatically lowering everybody's water bill. Because if not, and the City repairs the Tri-A sub and charge the Tri-A sub, Council needs to be aware, they will be sitting on a pot of cash \$50 to \$200,000 in excess revenue. Mr. Zug said the Tri-A subdivision is losing a massive amount of water which the City is recouping with higher rates. If Council does not lower the rates to match the repairs to the Tri-A sub and then turn around and charge the Tri-A sub for street repairs on top of it, he said it is dishonorable. Mr. Zug said he would like to know the ratio because that will tell him exactly how much revenue the City will be sitting on once the Tri-A subdivision is repaired.

Steve Brown, City Manager of Wixom – explained one of the agencies had to step forward and be the recipient agency on the monies coming through the TAP grant. Mr. Brown said Commerce was ineligible, it had to be either Wixom or Walled Lake. Mr. Brown said Wixom stepped forward and as part of the grant process, Wixom had to certify the TAP grant funds for the \$2.15 million-dollar grant, Wixom had to represent that they were going to step forward and make the funds available and have the funds available to do the project including the local match that was required which had been committed to by the communities. Mr. Brown said when Wixom stepped up to the plate, they did on the basis of the representation from the partners of the trailway council including the City of Walled Lake for their portion of \$420,000 which was committed to on two or three different occasions, with commitment to TAP grant, with the budgeting process, and the Cost Participation agreement. Mr. Brown said on the basis of these representations, Wixom stepped forward and made good on those funds, will advance the funds, and will be reimbursed. That is what was called for in the Cost Participation agreement. Mr. Brown said he is asking the City of Walled Lake to live up to that commitment and discourages Council from opting out of the trailway council. Mr. Brown said this trail very important to the state, region, and the City of Walled Lake. Mr. Brown said there is opportunity to create a first-class trail on this 5.3 miles of trail we have. Mr. Brown said the sources of funding the \$2.5 million from the TAP grant, \$1.3 million from the Ralph Wilson Jr Foundation, and the State with \$3.2 million for the bridge is extraordinary. Mr. Brown said these funding sources provided were the lion's share of the cost and for pennies on the dollar for the local communities, there can be a first-class resource developed making it a part of the Great Lakes to Lake trail crossing. Mr. Brown encouraged Council to rethink the decisions before them tonight. Mr. Brown said he would like to see Walled Lake continue to be part of the trailway council, continue to meet the commitment made to the City of Wixom and Commerce Township as part of the trailway

council, and fund the City's portion of \$420,000. Mr. Brown said he hopes Walled Lake honors the commitments they made.

Steve Atwell, 902 N Pontiac Trail, owner of Erin Industries – said he has ridden the trail from his home, from Rochester to Walled Lake. Mr. Atwell said he does not oppose the trail, he opposes how it came about and what is going to be built. Mr. Atwell said he and his wife are avid bikers, riding in Rochester, West Bloomfield, Union Lake, and wherever the trail comes through. Mr. Atwell said the trail is not paved, it is not a Cadillac trail. Mr. Atwell said the expenses that come with paving is a problem for him. Mr. Atwell said he is probably the only person here that agrees with Council in some way. Mr. Atwell said he likes the trail, trails are important, but it can be done more economically. Mr. Atwell said the city does not need to have the paved trail, no other communities around have it.

Caleb Sheng, Vice Chair of the Wixom DDA member – said he was absolutely blown by the passion that was exhibited here. Mr. Sheng said something he is very passionate about in his own personal practice in conversation with members, is he has always put Walled Lake up in his own conversations as a paragon of zealous stewards of their community. Mr. Sheng said what Council has done, the attitudes exhibited, and seeing Council vote down measures the voters did not ask for has blown him away. Mr. Sheng said there is no reason the Council would do that other than a steadfast commitment to looking out for other people, the people that trust them. Mr. Sheng said he knows for the sister communities of Commerce and Wixom, they trust each other in this, and asked Council follow those commitments through.

Robin Spooner, 1779 Swaney – said council mentioned the audience participation is held before they vote so they can hear what the public has to say, it should be a unanimous decision.

John Smith, Great Lakes Segway – said he wanted to introduce himself and let everyone know why he has been talking with the Police and City Manager about having a Segway as part of the fleet of vehicles. Mr. Smith said he located his business here because he saw something exciting, a beautiful beach right next to his location and he has opportunity to help bring some really fun amenities and exciting things to the downtown. Mr. Smith said they are the only dealership in the state, and he entrusted Walled Lake and its residents. Mr. Smith said Segway will help patrol and enhance visibility during events and the trail areas to allow quicker response along the trails. Mr. Smith said different vehicles do not compare to the efficiency and speed of the Segway if there were an emergency event along the trail itself. Mr. Smith said he is not suggesting replacing exercise but to enhance personal mobility.

Bill Nicholas, 1184 N Eddie – said he read an article in the paper about garage sales. Mr. Nicholas said the complainant feels this is an unfair rule and surrounding communities do not have an ordinance. Mr. Nicholas said this problem did not occur in other communities, this rule came about after years of wrangling in a neighborhood, difficulties, and police involvement on numerous occasions. The rule was written to create peace and he does not believe the rule is restrictive in any means for garage sales. Mr. Nicholas said he would hate to see his neighborhood go back to the street being blocked up and unable to go through his own street every weekend again. Mr. Nicholas said for years it was very difficult, he is glad the rule exists, it has helped tremendously and leave it as it stands.

Randy Cevora, 1145 N Eddie – said he has been in Walled lake for 30 years at the same residence. Mr. Cevora said was an original complainer 20 years ago about the garage sale, it was very unsafe, people park on the grass and come into their driveways. Mr. Cevora said Ms. Hewitt put signs in his yard and he asked her not to. There is a park in the neighborhood, bikers, and walkers. Mr. Cevora said there is a councilman who lives in this sub, he knows how safe and clean it is. It is residential area, it is not a place to start a business. Mr. Cevora said he took a survey off the internet, everyone around Walled Lake, Milford, South Lyon, Wixom, Bloomfield Township, West Bloomfield, and Novi and they all have restrictions on garage sales. Wixom is the toughest one, there are no signs hardly and two days in length. Mr. Cevora asked council to protect the citizens, people cannot get through the street sometimes. Mr. Cevora said he is very adamant not to change but if Council does, it better be to keep the citizens safe.

Carolyn McCann, 135 Winding Brook – said she is here on behalf of Oscar Leaser and his wife Pat. They were neighbors of Denise Hewitt. Ms. McCann said Ms. Hewitt drove those people crazy with garage sales constantly, advertising estate jewelry which most of it is stuff she makes. Ms. McCann said she is very nervous and upset. She said Oscar lived in Walled Lake over 90 years, he just passed away, his wife passed away a few months later. Ms. McCann said Denise drove them crazy and the last thing Ms. Hewitt said to Oscar was, why don't you die you old bastard. Ms. McCann said this is the type of person Ms. Hewitt is. Ms. McCann said the ordinance should not be changed. Ms. McCann said she does not live there but she used to live in the same house Denise lives. Ms. McCann said she had been a friend of Pat and Oscar's since 1956, they were wonderful people. She treated them like trash. She should not be allowed to have any more garage sales. Ms. McCann said Ms. Hewitt is a single person living in this house, if she has all this stuff to make these garage sales every weekend, then she should get a business going and rent a store someplace.

Jeff Rondeau – 1159 Wabasso – opined that there is no reason Denise Hewitt's request for any change in the ordinance should be considered. Mr. Rondeau said he was the Walled Lake Ordinance Officer at the time, everybody spent weeks and hours and days playing this game. Mr. Rondeau stated it was insane and there was no reason Ms. Hewitt should run a business out of her residential home, there is no reason for it even if she calls it a continual estate sale. Mr. Rondeau stated that when Ms. Hewitt was building her garage and he conducted an inspection on that garage she flat out told him that she was building a garage to run her business. Mr. Rondeau stated that he told her she could not run a business. Mr. Rondeau stated that the reality of it was that when the city ordinance was instituted, it was because of Denise Hewitt's business. Mr. Rondeau stated he was at her residence 3 and 4 times a week continually. Mr. Rondeau stated that it was not news to anybody and when it was 3 signs, Ms. Hewitt put up 6 and when he took down 3, she put up 5 more. Mr. Rondeau stated that this was insane because the rules mean nothing to Ms. Hewitt.

Tommy Levine – 1149 N Eddie – said he is a Veteran and there are simple freedoms. Freedom of speech, free enterprise, simple things like that. Mr. Levine stated the things they are saying about Denise Hewitt are not true and she is not running a business out of her house, she is a professional model. Mr. Levine stated Ms. Hewitt is gone most of the year, she does trade shows. Mr. Levine said Oscar, her neighbor was vindictive towards Denise Hewitt.

Belinda Moore, 1171 N Eddie – said she is a young mom of growing family she loves buying things for a deal and is not opposed to garage sales. Ms. Moore said Council made a wise decision to permit three garage sales, have days in between, and is on par with neighboring communities that allow between two and four garage sales in a twelve-month period. Ms. Moore said the City's ordinance allows people who want to host garage sales to have them but also protects those that are around the sale site. Ms. Moore said this ordinance makes her family and others happy.

Kyler Pilnick, 1428 N Pontiac Trail – said he has lived in the community for one year and lives fairly close to where the garage sales occur. How many garage sales are there a year? Neighboring communities have similar ordinances and it is a proper balance. Mr. Pilnick said if more than that is requested, you are running a business.

COUNCIL REPORT:

Council Member Costanzo said there was not a designated voting member at the October, November, and December trailway meeting. The representative that was there in July left. There has not been a member present in the last six months. Per the interlocal agreement all three communities must be present to vote on items.

City Manager Whitt said he is the trailway representative.

Mayor Ackey said she was at the last trail meeting and the trailway attorney advised that some expenditures were approved by vote of two, not all three members were present.

City Manager Whitt explained he is the trailway representative and he was part of the early meetings when the trail was proposed as a no cost trail, Walled Lake has always pursued the rehabilitation of the depot building as a part to be included. Manager Whitt explained the prior City Manager of Wixom made inquiries as to why there was no operating budget for the trail or an audit. There has been no audit of the trailway council expenditures. Mr. Whitt said lack of Walled Lake's attendance did not stop the trailway council from taking action on items. Manager Whitt explained Council Member Costanzo was at the meeting where the Walled Lake Council and himself were accused of crimes and extortion, that meeting was out of control and so he left the meeting. Mr. Whitt explained his vote was a NO vote when he did not attend meetings. It did not stop the trailway council from taking action. The interlocal agreement explains if a party chooses to withdrawal from the council, there is still a trail, there is no contractual obligation to remain in the trailway management council. The discussion of the \$420,000 is a valid discussion those funds could be used for the Tri-A improvements. Mr. Whitt said that Commerce Township Supervisor Scott had use the expression of putting lipstick on a pig when discussing the trail management. Mr. Whitt stated it appears that others want Walled Lake Taxpayers to buy the lipstick because Walled Lake taxpayers are expected to pay an unfair share concerning the trail. Manager Whitt said that the statements that no tax dollars were used to pay for the M-5 bridge is not true, individuals of the State of Michigan paid tax dollars towards that bridge. Mr. Whitt explained the discussion of the depot building being revitalized for a Veterans Memorial, this was never discussed before, and they are pulling on the heart-strings of the people. Mr. Whitt said the Council can take action tonight, but the City will have a trail and a rehabilitated depot

building. Manager Whitt said Wixom has a nice park and Commerce Township has a nice bridge. Mr. Whitt stated that if Council decided to run the trail on their own; separate from the trailway management council, it could be run by the City's Parks and Recreation Commission. Mr. Whitt stated that if there is no renegotiation of the interlocal agreement, Walled Lake taxpayers will be paying an unfair share. Mr. Whitt pointed out that there has never been an audit conducted of Trailway Management council although it was required back to 2009 when the Trailway Management council was created. Mr. Whitt explained that there will be a trail in Walled Lake, no matter how it is voted on by the City Council.

Mayor Ackley explained her agreement with Manager Whitt and when there were initial talks of Council removing itself from the Trailway Management Council, there was never a discussion of not having a trail in Walled Lake. Mayor Ackley stated the City will have a trail, it may not be paved but it will be the same quality as the one in West Bloomfield.

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

- a. Police
- b. Fire
- c. Finance
 - Warrant

CM 1-6-19 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS

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

Roll Call Vote:

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

2. Budget Workshop Schedule Discussion

Finance Director Barlass provided a tentative schedule for budget workshop sessions and asked Council to review. Dates will be determined at next month's meeting.

City Manager Whitt explained the Fire Department presentation of employee of the year will be at next month's meeting.

4. Public Works Employee of the Year 2018 Award

Assistant City Manager Pesta provided Mr. Dan Ladd the Public Works Employee of the Year.

5. Police Officer of the Year 2018 Award

Police Chief Shakinias provided Police Officer Mr. Jake Jacobs the Employee of the Year.

6. Administrative Employee of the Year 2018 Award

Assistant City Manager Pesta provided Ms. Miranda Gross the Administrative Employee of the Year.

3. Department / Division Head of the Year 2018 Award

Assistant City Manager Pesta provided Ms. Jennifer Stuart the Employee of the Year.

CORRESPONDENCE:

1. Resident Denise Hewitt – Request for Amendment to Garage Sale Ordinance

Ms. Denise Hewitt explained she has been a resident of the community for 40 years and she appreciated Mr. Whitt's phone call this week. Ms. Hewitt read into the record the article published in the January 2, 2019 edition of the paper print Spinal Column.

How would you like it if you were told you could only golf or watch football three times a year?

That's how I feel about having garage sales. Walled Lake residents used to be allowed unlimited sales but now are permitted just three a year, 45 days apart. In addition, sellers are only permitted four signs: one in their yard and three elsewhere.

I checked surrounding cities — Wixom, Novi, Commerce, Union Lake, etc. — and none of them have any of these rules.

The prejudice against garage sales came from someone who didn't like them (and who has since died.) Mayor Roberts suggested I get petitions supporting unlimited garage sales by standing in front of CVS. I collected more than 1,000 names, addresses and phone numbers of Walled Lake residents who agreed with me about unlimited garage sales. That's one in seven people among the local population, (7,089 according to the 2016 census.) However, the city council ignored these petitions.

The city's new rules of only three sales per year prevent the flexibility that helps people in this depressed local economy. People have to downsize and relatives die. No one wants to hold onto items or give them away when they could make money themselves. When my boyfriend's mother died, I sold shoes, clothes, furniture and a bedroom set that had sat in storage for 12 months at \$100 a month.

These items went to people from inside and outside Walled Lake. Other people make a living buying and selling merchandise from garage sales.

City council discussion focused on 30 days between sales, but the ordinance came out as 45 days. I held a sale on the basis of 30 days — and was fined \$135. I feel that was unfair, because I acted based on the city council discussion. At this point, I called 11 people on the council and they all said they didn't remember if it was 30 or 45 days between sales. The city clerk told me the transcript from the meeting where the ordinance was passed had been thrown away.

In addition, the city council discussed limiting people holding garage sales to just four signs, although that does appear in the ordinance, which I obtained later through a Freedom of Information request.

Limiting signs to just four would be a mess and would hamper entrepreneurs. People coming from outside this town do not know their way around. They need multiple directional signs (or arrows) to find individual homeowners having sales.

Garage sales also bring revenue to the city. People from outside asked me for recommendations on places to eat. I suggested Casey's, Dave & Amy's, Boon Kai, Haang's Bistro, The Beach Tiki Bar (formerly Bayside Sports Grille), etc. People liked the town, even wanted to buy my house!

We also need the flexibility of rain dates. I made as little as \$10 on a rainy day. To be allowed a substitute day when the sun is shining would help me make up lost profits. But when I went to the City Council and asked for a rain date, they wouldn't give me one.

I am a taxpayer and garage sales helped me pay them. Restrictions against garage sales are just nitpicking. The one person who objected to garage sales has since passed. So, enough bureaucracy and red tape that hampers our freedom! Please, let's go back to the old rules. Join me at the next City Council meeting at 7:30 p.m. January 15 to get the old rules back of unlimited garage sales. Hope to see you there.

Ms. Hewitt explained there is no traffic in the neighborhood, and she has two great neighbors now. Ms. Hewitt explained her sales are low key, she does not run a business out of her garage, if she has a garage sale it is her business. If someone has a trailer that is their business. Ms. Hewitt said her lunatic neighbor is gone and she does not bother anyone. Ms. Hewitt said she wants to be left alone, she has never called the city about anyone in her neighborhood, she wants to do what she wants when she wants, and she wants to be left alone.

CM 1-7-19 MOTION TO KEEP ORDINANCE C-282-10 THE WAY IT STANDS

Motion by Robertson, seconded by Loch, UNANIMOUSLY CARRIED: To keep ordinance C-282-10 the way it stands.

Discussion

Council Member Lublin asked what the current ordinance is, what are other communities doing and what signage is allowed.

Council Member Costanzo explained he is not in favor of unlimited garage sales, that is running a business from your home within a neighborhood.

Council Member Ambrose said he appreciates the request and he is basing his decision off of what he is hearing and presented to him via email and conversation. If Ms. Hewitt wishes to run 2, 3, of 4, he is agreeable but if more then maybe she needs to look at a renting a store front.

City Manager Whitt explained Walled Lake's code was comparable to other communities. Mr. Whitt explained that he had observed in the past that the prior Code Enforcement Officer was venomous with the other party. Mr. Whitt explained that that has changed and that the City now has a "professional code enforcement officer" who is also a police officer. City Manager Whitt explained that the City now has a professional code enforcement staff member and there will be no more private personal agendas when enforcing the city's ordinances.

Council Member Robertson called motion to question.

Roll Call Vote

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

Council recessed 9:19 p.m.

Council reconvened 9:33 p.m.

ATTORNEY'S REPORT:

1. Confidential Attorney Client Communications Coeus, LLC V Walled Lake, et al.

City Attorney Vanerian explained the pending ligation is in early stages and he will keep council up to date.

Council Member Costanzo asked if there is any violation in providing a synopsis of the lawsuit to the public.

City Attorney Vanerian explained to Council Member Costanzo the synopsis is confidential attorney client communications and will remain confidential communications unless Council choses otherwise.

Mayor Ackley reminded Council members, confidential communications and closed session discussions and documents are confidential and if items are discussed openly it is a violation of the City Charter.

UNFINISHED BUSINESS:

1. Second Reading C-341-18 Reasonable Accommodations to Disabled for Special Residential Uses Ordinance Amendment to Chapter 51

- CM 1-8-19 MOTION TO APPROVE SECOND READING C-341-18 AN ORDINANCE TO AMEND CHAPTER 51, "ZONING OF TITLE V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE ZONING ORDINANCE, TO REPEAL SPECIAL LAND USE APPROVAL REQUIREMENTS FOR RECOVERY HOMES AND ADOPT PROCEDURES AND CRITERIA TO AFFORD REASONABLE ACCOMMODATIONS TO DISABLED INDIVIDUALS FOR SPECIAL RESIDENTIALS USES**

Motion by Robertson, seconded by Loch, UNANIMOUSLY CARRIED: To approve second reading of C-341-18 an ordinance to amend Chapter 51, "Zoning of Title V, "Zoning and Planning", the City of Walled Lake Zoning Ordinance, to repeal Special Land Use approval requirements for recovery homes and adopt procedures and criteria to afford reasonable accommodations to disabled individuals for special residential uses.

Roll Call Vote

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

2. Second Reading C-342-18 Wireless Communications Facilities Ordinance Amendment to Chapter 51

- CM 1-9-19 MOTION TO APPROVE SECOND READING C-342-18 AN ORDINANCE TO AMEND TITLE V, ZONING AND PLANNING, CHAPTER 51, ZONING, ARTICLE 21.00 "GENERAL PROVISIONS", SECTION 21.48 "WIRELESS COMMUNICATION FACILITIES AND SERVICES", SUB-SECTION I.C. "EXEMPTIONS" TO EXEMPT WIRELESS COMMUNICATION FACILITIES LOCATED WITHIN A PUBLIC RIGHT OF WAY FROM ZONING REGULATIONS**

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: To approve second reading C-342-18 an ordinance to amend Title V, Zoning and Planning, Chapter 51, Zoning, Article 21.00 'General Provisions', Section 21.48 "Wireless Communication Facilities and Services", sub-section I.C. "Exemptions" to exempt wireless communication facilities within a public right of way from zoning regulations.

Roll Call Vote

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

3. Second Reading C-343-18 Wireless Communications Facilities DAS Small Cell Facilities in Public Right-of-Way Amendment to Chapter 70

CM 1-10-19 TO APPROVE SECOND READING C-343-18 AN ORDINANCE TO AMEND CHAPTER 70, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" TO ENACT A NEW ARTICLE V. "WIRELESS COMMUNICATION FACILITIES" TO ADOPT REGULATIONS FOR THE PLACEMENT AND MAINTENANCE OF WIRELESS COMMUNICATION FACILITIES WITHIN THE PUBLIC RIGHT OF WAY

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve second reading C-343-18 an ordinance to amend Chapter 70, "Streets, sidewalks and other public places" to enact a new Article V. "Wireless Communication Facilities" to adopt regulations for the placement and maintenance of wireless communication facilities within the public right of way.

Roll Call Vote

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

4. Second Reading C-344-18 Illicit Stormwater Discharge Ordinance Amendment Chapter 34

CM 1-11-19 TO APPROVE SECOND READING C-344-18 AN ORDINANCE TO AMEND CHAPTER 34, "ENVIRONMENT" OF THE CITY OF WALLED LAKE CODE OF ORDINANCES TO ENACT A NEW ARTICLE V. "ILLICIT STORMWATER DISCHARGES" TO ADOPT STATE MANDATED REGULATIONS AND ENFORCEMENT OF ILLICIT DISCHARGES INTO STORMWATER MANAGEMENT FACILITIES.

Motion by Robertson, seconded by Owsinek, MOTION CARRIED: To approve second reading C-344-18 an ordinance to amend Chapter 34, "Environment" of the City of Walled Lake Code of Ordinances to enact a new Article V. "Illicit Stormwater Discharges" to adopt state mandated regulations and enforcement of illicit discharges into stormwater management facilities.

Discussion

Council Member Costanzo explained his opposition and that this ordinance violates the fourth amendment of constitution, entering private property without permission. He said he would like to make motion to amend part of the ordinance.

CM 1-12-19 TO AMEND THAT ENFORCEMENT AGENCY MAY ONLY ENTER PRIVATE PROPERTY WITH PERMISSION ONLY

Motion by Costanzo, no second. Motion died due to lack of support.

Attorney Vanerian explained this is a model ordinance prepared by the State, it is a regulatory ordinance concerning storm connections. All ordinances are subject to constitutional rights and provisions. Attorney Vanerian explained this ordinance amendment is intended to meet state and federal regulations.

City Manager Whitt recommends the model ordinance be passed.

Council Member Costanzo called for point of order.

City Manager Whitt again recommended passing the ordinance to meet state standards.

CM 1-11-19
Roll Call Vote

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

5. Financial Audit Summary

Council Member Costanzo said he questioned the auditor and the auditor was to send correspondence to the City Manager's attention. Mr. Costanzo asked if the information he requested was ever received.

Council Member Costanzo said the auditor said he would send him the information.

City Manager Whitt explained the same 765 plus pages provided to Council Member Costanzo are the same 765 pages supplied to the auditor. City Manager Whitt restated that the audit showed the City expenditures were under budget by a million dollars.

NEW BUSINESS:

- 1. Proposed Resolution 2019-1 Extending Moratorium on the Establishment of a Special Assessment District in the Tri-A Subdivision; and Reallocating \$420,000 from the Trailway Contribution to the Infrastructure Repairs and Upgrades in the Tri-A Subdivision**

Council Member Robertson requested the resolution be read into the record. Assistant City Manager Pesta read resolution into the record.

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

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALLED LAKE
EXTENDING FOR AN ADDITIONAL 90 DAYS THE MORATORIUM ON THE
ESTABLISHMENT OF ANY SPECIAL ASSESSMENT DISTRICT IN THE TRI-A
SUBDIVISION*

Proposed RESOLUTION 2019-1

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 15th day of January 2019 at 7:30 p.m.

WHEREAS, Section 11.1 of the City of Walled Lake Charter provides that the Council shall have the power to determine by resolution that any part of the expense of public improvement be defrayed by the special assessment upon the property especially benefited in proportion to the benefit derived or to be derived; and

WHEREAS, it is in the best interest of the City to delay a final funding determination on the Tri-A subdivision proposed construction and funding; and

WHEREAS, it is in the best interest of the City to establish a moratorium on any special assessment under this charter provision until such time as a further study is completed by a council committee established for this purpose; and

WHEREAS, Robert Robertson is a resident of the Tri-A subdivision, a city council member and a member of the Tri-A subcommittee appointed by Mayor Linda Ackley; and

WHEREAS, Council Member Robertson urges the city council as a whole to reconsider funding the luxury expenses for the Michigan Airline Trail and reallocate said funding of 420 thousand dollars (\$ 420,000.00) to the repair and upgrade of the City's Tri-A subdivision.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Walled Lake, County of Oakland, State of Michigan that:

Section 1. The City Council for Walled Lake, Michigan hereby finds that establishing a Special Assessment District for the subdivision commonly referred to as Tri-A is untimely and premature without further study for funding options.

Section 2. The City Council extends the declared ninety (90) day moratorium on establishing a Special Assessment District for an additional ninety (90) days, or until such time as the ad hoc committee established by Resolution 2018-45 has completed its study.

Section 3. The City Council rescinds that portion of Resolution 2017-69 that supports the expenditure of \$420,000 of Walled Lake tax dollars for trail construction.

Section 4. The City Council reallocates the \$420,000 identified in the City's fund balance to offset the cost to the taxpayers for the infrastructure repairs and upgrades required in the Tri-A subdivision.

Motion to approve Resolution was offered by ROBERTSON and seconded by

_____.

*AYES: ()
NAYS: ()
ABSENTS: ()
ABSTENTIONS: ()*

RESOLUTION DECLARED ADOPTED.

*STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)*

*JENNIFER A. STUART, CMC
City Clerk*

*LINDA S. ACKLEY
Mayor*

CM 1-13-19 MOTION TO APPROVE RESOLUTION 2019-1 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALLED LAKE EXTENDING FOR AN ADDITIONAL 90 DAYS THE MORATORIUM ON THE ESTABLISHMENT OF ANY SPECIAL ASSESSMENT DISTRICT IN THE TRI-A SUBDIVISION

Motion by Robertson, seconded by Owsinek:

Discussion

Council Member Ambrose appreciate the moratorium on the Tri-A sub however there is another motion to be made later on the agenda concerning the trailway. He questioned the section of the resolution to withdraw then redirect the funds from the Michigan Airline Trail to the Tri-A subdivision.

Mayor Ackley said she understands the transfer of the \$420,000 but to do before decisions have been made about Tri-A, the Council does not know what the cost is going to be.

City Manager Whitt said the \$420,000 is not budgeted it is in the fund balance. The resolution to originally support the spending is in the packet. At least the moratorium needs to be extended. Tri-A will cost more than \$420,000. It is a public safety issue it is not a Cadillac or luxury, we need to fix the water lines. Council can separate the resolution. It will be a budget amendment to appropriate from the fund balance. The funds are not in a budget line they are in the city's fund balance. Council has the call. The resolution is important, and the support resolution is also attached for reference.

Mayor Ackley said the funds were budgeted in the prior budget but when there was no movement, the funds went back into the fund balance.

City Manager Whitt explained the funds operate this was by law, but Council can still spend it with a motion by Council. City Manager Whitt opined that that was not a contractual agreement.

Council Member Ambrose said the Council is for the trail. Does the City need a 10-12-foot asphalt trail versus the trail as in West Bloomfield? We do not have the money, the trail will be there, and the depot will get done. Mr. Ambrose said this money is not allocated to the Michigan Airline Trail. Supervisor Scott said he would step up and help the City, but we have not had a conversation with him. What does he intend? Mr. Ambrose said he would like to hear what Supervisor Scott has to say.

Mayor Pro Tem Owsinek said this resolution is looking out for the best interest of the tax payer and the Tri-A subdivision who desperately need infrastructure improvements. The trail will still be done how the City wants it. Mr. Owsinek said there is a public safety issue with Tri-A and the \$420,000 will go directly to the desperately needed infrastructure of the Tri-A sub.

Mayor Ackley said the problem in Tri-A, it is not just a Tri-A problem, if that collapses it becomes a citywide problem.

City Manager Whitt explained the legacy cost for pension exists and now the City is creating a new legacy cost with the trail. Council made a commitment to \$420,000 but if Council does not react in a positive way, it will be discussed again and again.

Council Member Costanzo said there are two separate issues in this resolution. One portion of the resolution extends the moratorium and the other to reallocate funds from the Trailway to the Tri-A sub. He suggested amending the resolution into two separate resolutions; one for the extension of the moratorium and the second to reallocate the funds to Tri-A.

Council Member Lublin asked what does reallocating mean in this resolution. Does it mean Council would rather see the funds go towards Tri-A.

City Manager Whitt explained at one point the money was allocated but there was no activity and it went to the City's fund balance. It is not in any budget line item, it fell to fund balance because of no movement.

CM 1-14-19 TO AMEND RESOLUTION 2019-1 TO SEPARATE AND REMOVE SECTION 4, *THE CITY COUNCIL REALLOCATES THE \$420,000 IDENTIFIED IN THE CITY'S FUND BALANCE TO OFFSET THE COST TO THE TAX PAYERS FOR THE INFRASTRUCTURE REPAIRS AND UPGRADES REQUIRED FOR THE TRI-A SUBDIVISION* AND MAKE IT A SEPARATE RESOLUTION

Motion by Costanzo, seconded by Ambrose: MOTION CARRIED: To amend resolution 2019-1 to separate and remove Section 4, *The City Council reallocates the \$420,000 identified in the City's fund balance to offset the cost to the taxpayers for the infrastructure repairs and upgrades required in the Tri-A subdivision* and make it a separate resolution.

Roll Call Vote

Yes (4) Lublin, Ambrose, Costanzo, Loch
No (3) Owsinek, Robertson, Ackley
Absent (0)
Abstain (0)

CM 1-15-19 TO APPROVE RESOLUTION 2019-1 AS AMENDED AND EXTENDING FOR AN ADDITIONAL 90 DAYS THE MORATORIUM ON THE ESTABLISHMENT OF ANY SPECIAL ASSESSMENT DISTRICT IN THE TRI-A SUBDIVISION

Motion by Owsinek, seconded by Robertson: UNANIMOUSLY CARRIED: To approve resolution 2019-1 as amended and extending for an additional 90 days the moratorium on the establishment of any special assessment district in the Tri-A subdivision.

Roll Call Vote

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

2. Proposed Resolution 2019-2 A resolution of the City Council of the City of Walled Lake to withdraw from the Commerce, Walled Lake, and Wixom Trailway Management Council

Resolution read into record by Mayor Pro Tem Owsinek.

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

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALLED LAKE
TO WITHDRAWN FROM THE COMMERCE, WALLED LAKE, AND WIXOM
TRAILWAY MANAGEMENT COUNCIL*

Proposed RESOLUTION 2019-2

At its 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 15th day of January 2019 at 7:30 p.m.

WHEREAS, Commerce, Walled Lake, and Wixom established a Trailway Management Council by Interlocal Agreement pursuant to Act 7, Michigan Public Act of 1967, as amended and part 721 of Act 451, Michigan Public Acts of 1994, as amended; and

WHEREAS, Section 9 of the Interlocal Agreement of the Commerce, Walled Lake, and Wixom Trailway Management Council states that "any party may withdraw from the Council at any time upon the adoption of a resolution to that effect by the Party's governing body...".

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Walled Lake, County of Oakland, State of Michigan that:

Section 1. The City of Walled Lake hereby withdraws from the Trail Council pursuant to Section 9 of the Interlocal Agreement.

Motion to approve Resolution was offered by _____ and seconded by _____.

AYES: 0
NAYS: 0
ABSENTS: 0
ABSTENTIONS: 0

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

JENNIFER A. STUART
City Clerk

LINDA S. ACKLEY
Mayor

CM 1-16-19 TO APPROVE RESOLUTION 2019-2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALLED LAKE TO WITHDRAW FROM THE COMMERCE, WALLED LAKE, AND WIXOM TRAILWAY MANAGEMENT COUNCIL

Motion by Owsinek, seconded by Robertson:

Discussion

Mayor Ackley explained this resolution is only withdrawing from the Trailway Management Council, there will still be a trail.

Mayor Pro Tem Owsinek stated the trail will still be completed.

Council Member Costanzo said we have not had a trailway representative there in the last six months. The trailway management council has been trying to get things done but all 3 communities are to be present. Tri-A funding options have not been investigated. We can sell the empty lot next to city hall.

Mayor Pro Tem Owsinek explained Councilman Costanzo has only been on this council for a year but he has been at the trail council meetings as he has seen him there. Mr. Owsinek said however, he has been here from the beginning in 2009 when this trailway idea was created. The whole concern is the Council has been told one thing and something else happens. The Council was told the City engineering firm was the low-cost bidder and the trailway council took

somebody else instead going against the vote. The City has been betrayed many times. Walled Lake has not received any benefit from this Trailway Council. None.

City Manager Whitt said in all fairness to the new group of leaders of the Trailway Council, he was there when Commerce Township ignored the City's vote, when the engineering firm was selected. Manager Brown and Supervisor Scott were not probably not aware of the back-channel deals made by prior representatives. Mr. Whitt opined that the City of Walled Lake was betrayed and misled. The maintenance of the project is concerning, as soon as it is over and the development of trail is complete, Walled Lake Taxpayers are left to handle the untouched depot building. Mr. Whitt said he is a Veteran and is offended they have ignored a Veteran in discussing a Veteran's Memorial within the City when this idea was generated. No one has ever spoken about it. John Hensler inherited a mess as well as Supervisor Scott. Prior Wixom City Manager Nowicki asked for a Trailway audit years ago and nothing was ever produced. The City of Walled Lake has reasons to withdrawal, the City has not gotten what they thought. The City voted and it was binding, and the very next move was to reallocate to Commerce engineer not the engineer who was voted for. Mr. Whitt said he has not gone to meetings and it is a "no" vote from the Walled Lake member. The lawyer's bill was paid but the Boss engineering bill was not paid. The Council needs to decide if they are going to spend the money on the trail, a pumper truck, or Tri-A.

Mayor Ackley explained if Council is not going to reallocate the money and keep it with the trail then why get out of the Trailway Management Council. Mayor Ackley asked for a commitment in writing that the depot is not going to be stranded when the trail is done. Wixom and Commerce can leave in a heartbeat just like Walled Lake when the trail is done, and the City has no commitment from Wixom or Commerce.

Supervisor Scott said he has to carry the flag set by his predecessors. Commerce was in it for \$468,000. When he spoke at the Fire Hall, his intent was that the three communities need to rewrite the interlocal agreement. The communities now own the trailway, now the three communities have to move to the operation stage. Scott, "City Manager Brown and City Manager Whitt, I am taking a bigger bite. There was delay of time for the grant. When I went to the Ralph C Wilson foundation before anyone, I was told we only invite people to apply, we didn't invite you to apply. Later by invitation, John Hensler, Kristen Wiltfang, and City Manager Brown were invited to apply for a grant from the Ralph C Wilson foundation". Supervisor Scott said the depot building was always a contender. Possibly create a consignment agreement to utilize the depot building. Supervisor Scott explained he is eager to rewrite the interlocal agreement, it is overdue. The trailway council changed their meeting date to tomorrow to accommodate Walled Lake's Council meeting date to approve the trailway budget. Mr. Scott said items the trailway council paid for were budgeted, the Boss Engineering and Greenaway Drain could not be paid for due to the absence of the City of Walled Lake representative. Mr. Scott explained Boss Engineering was tasked for doing work, the bill came back and was not in the budget but the trailway council will honor it. Mr. Scott said the trailway council has not had three representatives present to approve.

Mayor Ackley asked how long it will take the three communities to rewrite the bylaws.

Manager Whitt explained what is lost in all this, is Walled Lake was misled from the beginning. Manager Whitt stated the trail from the beginning included the rehabilitation of the depot and if Council walks away with another interlocal agreement it should not leave Walled Lake with a \$300,000 bill for the depot building. Manager Whitt stated that "We are doing the right things for our residents." As the City cannot be held accountable to pay for the rehabilitation of the depot building when the trail is done."

Mayor Pro Tem Owsinek explained by approving this resolution for withdrawing from the Trailway Management Council it brings leverage to bring the other two communities into negotiating.

Kristen Wiltfang, Oakland County explained there are grant applications for about \$5 million dollars and they include the depot parking lot and Greenaway drain. They are going out for bid Friday. Ms. Wiltfang explained back in July, the Walled Lake Council voted on resolution 2018-33, a cautionary reimbursement to the City of Wixom for the \$420,000, it was at that time Council should have pulled out of the Trailway Management Council before making that commitment. Ms. Wiltfang said she strongly suggests Council not remove themselves from the trailway council at this time there are grants to go after for the depot. Ms. Wiltfang said she is here for all three communities. Withdrawing now may jeopardize MDOT, MDNR, and private foundation donations and grants.

Council Member Ambrose suggested tabling the resolution for 30 days giving time for the three communities to meet to renegotiate the interlocal agreement.

Manager Steve Brown explained he is in favor of redoing the interlocal agreement and is awaiting the Walled Lake representative. The depot building was acquired by the trailway council to develop and once the trail is done, then it's time to do the depot. Why would the Trailway acquire it otherwise. In terms of timing, 30 days seems acceptable. The depot is the next priority to be done. Manager Brown explained the original interlocal agreement was for the acquisition phase, we now own trail and agreed the interlocal agreement must be rewritten.

CM 1-17-19 TO TABLE RESOLUTION 2019-2

Motion by Ambrose, seconded by Loch, UNANIMOUSLY CARRIED: To table resolution 2019-2.

Roll Call Vote

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

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

CM 1-18-19 TO TABLE RESOLUTION 2019-3

Motion by Ambrose, seconded by Loch: UNANIMOUSLY CARRIED: To table resolution 2019-3.

Roll Call Vote:

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

4. CW2 Trailway Management 2019 Proposed Operating Budget

CM 1-19-19 MOTION TO APPROVE THE 2019 PROPOSED OPERATING CW2 TRAILWAY MANAGEMENT COUNCIL BUDGET

Motion by Owsinek, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve the 2019 proposed operating CW2 Trailway Management Council budget.

Roll Call Vote

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

Mayor Ackley made nomination for trailway council representative and alternate.

CM 1-20-19 TO ACCEPT MAYOR'S NOMINATION OF MAYOR PRO TEM JOHN OWSINEK AS THE CITY OF WALLED LAKE TRAILWAY REPRESENTATIVE AND CITY MANAGER L. DENNIS WHITT AS ALTERNATE

Motion by Lublin, seconded by Loch: UNANIMOUSLY CARRIED: To accept Mayor's nomination of Mayor Pro Tem John Owsinek as the City of Walled Lake Trailway Representative and City Manager L. Dennis Whitt as alternate.

Roll Call Vote

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

5. Proposed Resolution 2019-4 Public Safety – Police Division Patrol Car Purchase

CM 1-21-19 APPROVE RESOLUTION 2019-4 A RESOLUTION APPROVING THE PURCHASE OF ONE NEW 2019 DODGE CHARGER PATROL CAR AWARDING BID TO SHUMAN CHRYSLER/DODGE AS PRESENTED IN THE BEST INTEREST OF THE CITY

Motion by Loch, seconded by Ambrose: UNANIMOUSLY CARRIED: To approve resolution 2019-4 a resolution approving the purchase of one new Dodge Charger Patrol Car awarding bid the Shuman Chrysler/Dodge as presented in the best interest of the city.

Roll Call Vote

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

6. Proposed Resolution 2019-5 Public Safety Police Division Segway Purchase

CM 1-22-19 APPROVE RESOLUTION 2019-5 A RESOLUTION APPROVING THE PURCHASE OF ONE NEW 2019 SEGWAY PATROLLER WITH POLICE EMERGENCY LIGHT PACKAGE

Motion by Ambrose, seconded by Loch: UNANIMOUSLY CARRIED: To approve resolution 2019-5 a resolution approving the purchase of one new 2019 Segway patroller with police emergency light package.

Roll Call Vote

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

7. Proposed Resolution 2019-6 Public Safety Fire Division Fire Rescue Truck Sale

CM 1-23-19 APPROVE RESOLUTION 2019-6 A RESOLUTION FOR THE SALE OF THE WALLED LAKE PUBLIC SAFETY FIRE DIVISION'S 1997 INTERNATIONAL RESCUE TRUCK TO A PRIVATE FIRE TRUCK ENTHUSIAST BRANDON HOUSTON, FROM SKOKIE, ILLINOIS AND TO AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE PURCHASE AGREEMENT AND TITLE TRANSFER

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve resolution 2019-6 a resolution for the sale of the Walled Lake Public Safety Fire Division's 1997 International Rescue Truck to a private fire truck enthusiast Brandon Houston, from Skokie, Illinois and to authorize the City Manager or his designee to execute the purchase agreement and title transfer.

Roll Call Vote

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

COUNCIL COMMENTS: None

MAYOR'S REPORT:

1. City Attorney Evaluation – Closed Session as requested by employee pursuant to Section 8 (a) of the Open Meetings Act (OMA)

Mayor Ackley explained she had prepared evaluation forms for the City Attorney and the City Manager as well. Mayor Ackley stated to the City Manager that she had a packet ready for his annual performance evaluation if he would agree to a performance evaluation in closed session, the same closed session as the City Attorney's performance evaluation. City Manager Whitt agreed to a closed session performance evaluation according to Section 8 (a) of the Open Meetings Act. Mayor Ackley added City Manager's evaluation to the closed session requests.

CM 1-24-19 TO ENTER INTO CLOSED SESSION AS REQUESTED BY EMPLOYEES PURSUANT TO SECTION 8 (A) OF THE OPEN MEETINGS ACT TO DISCUSS THE CITY ATTORNEY'S AND CITY MANAGER'S PERFORMANCE EVALUATIONS

Motion by Owsinek, seconded by Loch: UNANIMOUSLY CARRIED: To enter into closed session as requested by employee pursuant to section 8 (a) of the Open Meetings Act to discuss the City Attorney's and City Manager's performance evaluations.

Roll Call Vote

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

Council recessed at 11:15 p.m.

Council enter closed session 11:22 p.m.

Council exited closed session 11:54 p.m.

Council enter open session 11: 55 p.m.

A council discussion was had finding and determining that the City Attorney's annual review and performance evaluation for the previous year's work was satisfactory whereupon the following resolution was offered.

CM 1-25-19 TO APPROVE RESOLUTION 2019-7 A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT WITH VAHAN C VANERIAN AND AUTHORIZING THE MAYOR, MAYOR PRO TEM, AND CLERK TO EXECUTE AGREEMENT

Motion by Ambrose, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve resolution 2019-7 a resolution approving an employment agreement with Vahan C Vanerian and authorizing the Mayor, Mayor Pro Tem, and Clerk to execute agreement.

Roll Call Vote

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

CM 1-26-19 FINDING AND DETERMINING THAT THE CITY MANAGER'S ANNUAL REVIEW AND PERFORMANCE EVALUTION FOR THE PREVIOUS YEAR'S WORK WAS SATISFACTORY.

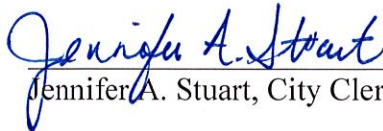
Motion by Costanzo, seconded by Owsinek: UNANIMOUSLY CARRIED: Finding and determining that the City Manager's annual review and performance evaluation for the previous year's work was satisfactory.

Roll Call Vote

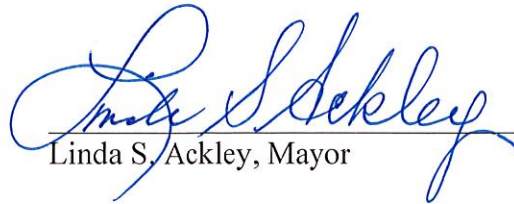
Yes (7)
No (0)
Absent (0)
Abstain (0)

ADJOURNMENT

Meeting adjourned at 12:30 a.m.


Jennifer A. Stuart, City Clerk

Approved
2-19-19


Linda S. Ackley, Mayor