



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
PUBLIC HEARING
TUESDAY, JANUARY 21, 2020
7:30 P.M.**

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

Pledge of Allegiance led by Mayor Ackley.

Invocation led by Mayor Pro Tem Ambrose.

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

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

REQUESTS FOR AGENDA CHANGES:

Council Member Owsinek requested to add agenda item under Council Report, an update on the Trailway Council and the trailway Interlocal Agreement.

Council Member Costanzo requested to move the Interlocal Agreement, posting of meetings agendas, downtown parking, and the public safety campus expansion under New Business instead of where they are currently placed, and he asked if these items will be discussed.

Mayor Ackley explained they are on the agenda and will be available for discussion later in the meeting.

Mayor Ackley explained the agenda is not set by Council, the agenda is set by the City Clerk and City Manager. Mayor Ackley explained the process that if a councilmember wishes to have an agenda change it needs to receive Council's majority then it will be added to the agenda.

Council Member Costanzo stated that the Robert's Rules of Order and Sergeant at Arms are on agenda, but there is no agenda item for appointment of a Parliamentarian. Member Costanzo opined there must be an appointment of a Parliamentarian according to Robert's Rule of Order.

City Manager Whitt explained that it is up to the Council's discretion as to whether there is a change in the rules of order and that there exist approved rules of procedures which Council has discretion to change, amend or add to it. Manager Whitt explained if Council does not vote on any changes those rules and procedures continue as before, as does the designated parliamentarian.

Council Member Costanzo requested to add to agenda a closed session request to consult with City Attorney regarding the Coeus versus City of Walled Lake added as item #6. Member Costanzo explained he would like to discuss this lawsuit.

PRESENTATION:

1. Auditors Pfeffer, Hanniford and Palka present the Financial Audit for Fiscal Year 2019

Mr. John Pfeffer commended the city staff on the annual audit stating that the city staff did a great job with providing required information timely to complete the audit. Mr. Pfeffer said Finance Director Barlass did a great job. Mr. Pfeffer explained as auditors examining the books and internal controls, they look for certain things and there were very few adjustments throughout the audit, and this is important for Council to note. Mr. Pfeffer explained the importance of this finding. Mr. Pfeffer stated it means that the City Council is receiving accurate information from the Finance Director and the city received an **unmodified opinion**, which is the highest level of opinion an independent auditor can issue.

Mr. Pfeffer said as independent auditors of the city, there is no relationship with City Council or City Administration. Mr. Pfeffer explained the city does have a large legacy regarding retirement benefits agreed to by prior Council members, ten plus years ago. Mr. Pfeffer explained that prior times, the city was looking at an emergency manager before Mr. Whitt came on board.

Mr. Pfeffer explained Dennis Whitt came into the city and as the new City Manager addressed how demands were going to be met. Mr. Pfeffer stated that Dennis Whitt provided light at the end of the tunnel. Mr. Pfeffer further explained there is no additional debt, the debt is not growing; this is very important. Mr. Pfeffer explained last year the city used 13% of its budget to pay \$677,000 towards the old legacy pension costs that had been agreed to going back several years. Mr. Pfeffer explained there is a plan in place with the State of Michigan to meet the future costs of the legacy pension debt. Mr. Pfeffer opined this is important for everyone to understand and said the City Council took the advice of Manager Whitt and made unpopular decisions regarding benefits and pension liabilities. Mr. Pfeffer explained the city kept its fund balance stable and the city did not incur debt. Mr. Pfeffer explained cost cutting occurred, staff is down to bare bones and everyone is working together to meet these goals going forward and there is still 20 years to pay off the existing outstanding legacy pension liability. Mr. Pfeffer explained even with those cuts, the city added sidewalks, a fire utility vehicle and attention to storm water drainage with cleaning and inspections to address water infrastructure issues. Mr. Pfeffer stated that his firm is independent, his auditors are independent auditors; they are here to provide the facts.

PUBLIC HEARING:

1. Reprogramming of Community Development Block Grant (CDBG) Funding for PY 2017 and 2018

Finance Director Barlass explained the reprogramming is for program years 2017 and 2018 for funds which have not been spent effectively or timely. Finance Director Barlass explained in working with Oakland County and city staff it is recommended to purchase fire fighter turn out gear.

Open Public Hearing 7:45 p.m.

No Comments

Close Public Hearing 7:46 p.m.

APPROVAL OF THE MINUTES:

1. **Special Organizational and Regular Meeting and Public Hearing of November 12, 2019**

CM 1-1-20 MOTION TO APPROVE THE SPECIAL ORGANIZATIONAL AND REGULAR MEETING AND PUBLIC HEARING OF NOVEMBER 12, 2019

Motion by Loch, seconded by Lublin, UNANIMOUSLY CARRIED: To approve the Special Organizational and Regular Meeting and Public Hearing of November 12, 2019.

Roll Call Vote

Ayes (7) Ambrose, Costanzo, Loch, Lublin, Owsinek, Woods, Ackley
Nays (0)
Absent (0)
Abstention (0)

AUDIENCE PARTICIPATION:

Sun Barker, 121 E Walled Lake – asked when the sidewalks in front of her business will be fixed. Ms. Barker asked for her sidewalks to be fixed as soon as possible. Ms. Barker asked for a security camera to be in the street. Ms. Barker asked for more parking downtown and asked for a letter to be sent to the businesses downtown regarding parking.

Trisha Parsons, 115 E Walled Lake Drive, Nino's Bakery – said the sidewalk has been brought up several times. Ms. Parsons said she came to city hall and asked for parking to be reviewed. Ms. Parsons asked why there could not be parking out front for the rest of the businesses.

Darlene Ciampa – said it is shameful one business in the community is bullying others. Ms. Ciampa said Jerry Millen is a thug and bullying the businesses in the city. You need to let the city police department do their job. There are people fearful of coming to these meetings.

Charles McLaughlin – 425 W. Walled Lake Drive – read a letter aloud and opined the small businesses of Walled Lake are the backbone of the community. Mr. McLaughlin said the easement trespass that occurred with Mr. Jerry Millen and the lack of corrective action from Council is concerning. Mr. McLaughlin said a quick investigation is still convenient, necessary or undue burden placed on his business to have that easement there. Mr. McLaughlin said he supports medical marijuana and recreational, however, it is not for him.

Lauren – Nino’s Bakery representative – said the sidewalks are a concern, they are dangerous, and she does not want to see anyone get hurt.

Tina Thurston, 1344 Delta – said she remembers Nino’s Bakery as a small child. Mrs. Thurston said one business is allowed to wreak havoc on the city and opined, “he has threatened people.

Matt McDonald – 126 W Walled Lake Drive – said when Pepino’s was burned out, his parking was completely ruined and the prior owners of Pepino’s, were not willing to work with him at all on parking. Mr. McDonald explained now there is a new owner/company and they are offering to him and his patrons use of the parking lot and he was very supportive of this.

Karen Kolke, 179 Spring Park – opined there has been nothing done about the sidewalk in front of the oil change place. Ms. Kolke said people are in motorized wheelchairs and driving down Pontiac Trail because the sidewalk is in disrepair. Ms. Kolke asked about council packet items having a sign in sheet included.

City Manager Whitt explained the sign-in sheets for audience participation are public documents.

Donna Blancha, 315 Arvida – said the Pulte project is upsetting. Ms. Blancha asked when the Pulte money became more important than residents. The water, the natural spring, is double in size. Ms. Blancha said the 3-foot pipe is flooding out homes and devaluing properties. Ms. Blancha said she loves this city. Ms. Blancha asked council to consider running the drain all the way down to the end not just where it currently ends.

Sylvia Toth, 455 Sparks Lane – Ms. Toth said she supports what has been said about the sidewalks. Ms. Toth said she is a professional and has had training with sidewalks and ADA compliance. Ms. Toth opined suitable sidewalks and ramps are a necessity. Ms. Toth said the fix for the East Bay area, Area H, did not happen and flooding still occurs.

Mike Brewer – said he lives in Novi but grew up in Walled Lake. Mr. Brewer said he is shocked Walled Lake allowed the medical marijuana business. Mr. Brewer said the city has a huge problem. Mr. Brewer asked the City Manager why he was here, why is the City Manager is here, everybody here who supports him should be off the Council.

Jeff Rondeau, 1159 Wabasso – a former city code enforcement officer and recent candidate for city council complained that residents and businesses had not shoveled their sidewalks as none of

the sidewalks are shoveled. Mr. Rondeau asked if it is public knowledge, lists of registered handguns someone owns, is that public knowledge or does the information have to come through the Police Department. Mr. Rondeau alleged his political opponents provided Jerry Millen a list of his registered handguns.

City Attorney Vanerian explained to Mr. Rondeau he would need to consult with his own attorney.

COUNCIL REPORT:

1. DDA Chairman/Mayor Pro Tem Ambrose – Discussion of the Downtown Parking and Sidewalks

Mayor Pro Tem Ambrose explained in 2012, when the sidewalks were reviewed throughout the city it was reported there are abandoned or closed off coal bins under the sidewalks in the downtown area and they are located within private property. Member Ambrose explained the area was developed in the 1800's and late 1900's and in the front of the buildings underneath the sidewalk are coal bins, even though they are abandoned or closed the bins are located within private property.

Mayor Pro Tem Ambrose explained the city cannot spend city money on private property. Mayor Pro Tem Ambrose explained Oakland County Mainstreet was utilized some time ago, Mr. Russ Lewis and Mr. Ron Campbell researched the sidewalks downtown and what could be done to accommodate the businesses in the historic area in addition to the traffic from pedestrians and automobiles. Mr. Ambrose explained in order to address the American with Disabilities Act, the sidewalk elevations had to increase anywhere from 12 to 20 inches, which was going to require a form of fencing along the front; stanchions with stainless steel stringers so the hazard of people stepping off was eliminated. The entrances to those buildings are at different levels. Mr. Ambrose explained to meet the ADA requirements, ramps had to be created which then would only permit access from Pontiac Trail and Liberty Street. In 2012, the cost was \$400,000 to \$500,000. The property owners were approached to solicit their participation, the city could only do so much without the business owner's participation. Member Ambrose explained the designs were created by Oakland County Mainstreet. Member Ambrose explained there must be participation from all the business downtown. Mr. Ambrose explained it is not city property, the City ROW only runs 5 feet into sidewalk, half to ¾ quarters are owned by the property owner.

City Manager Whitt explained the property owners were approached and offered a grant through the DDA and it was rejected outright by some of property owners during his tenure. Manager Whitt opined these business owners want the city and taxpayers to pay for the entire project. Mr. Whitt explained this is still an option to obtain a proposal from a contractor, however, it is not an option for the city, without a complete financial plan. Manager Whitt opined to go in and dig up the sidewalks on private property, the City does not own what's underground. Mr. Whitt explained the business owners can work with the DDA and move this forward if they wish.

Mayor Pro Tem Ambrose explained having a letter of cooperation from the business owners will be an item to pursue. Member Ambrose explained in the past, the prior DDA managing director Charlene Long had approached business owners and it was reported back to the DDA, that the businesses were not in favor of this and it was not well received.

Council Member Lublin explained the design was what Oakland County Mainstreet designed, however, there are additional costs for implementation. Member Lublin explained he is in favor of trying again, he said it appears there are current business owners who are interested.

Mayor Pro Tem Ambrose explained the city needs cooperation from all the businesses not just one or two. Member Ambrose said this opportunity could move forward again if the businesses are interested in matching funds.

Council Member Costanzo explained he has heard a lot about the parking across the street in the old Pepino's lot. Member Costanzo said the sidewalks are terrible in the City, however, some of the cross walks have been addressed. Member Costanzo said his understanding is that there were city funds contributed towards the recent parking lot modification downtown and he hopes that is incorrect.

City Manager Whitt explained there was a parking lot agreement for many years with Pepino's, restaurant. Manager Whitt explained in the past the city partnered with the owner of that property to connect the two lots. Manager Whitt explained the city's parking lot at Riley Park would connect with the Pepino's parking lot. Mr. Whitt said the business owner next door to Pepino's, Mr. McDonald, was here tonight and discussed the unpleasant conversations between himself and the owners of Pepino's regarding parking, they were not willing to work with Mr. McDonald. Manager Whitt further explained the parking lot is now owned by a new business and that business has an agreement with all the neighborhood businesses in the area to utilize the parking lot.

Mr. Whitt explained he was not aware of any violations but there is a Code Enforcement Officer on staff to address any complaints or concerns. Mr. Whitt explained the parking lot was leveled and graded. Manager Whitt explained that if someone wants to make a case against the lot being used as a parking lot, they may file a complaint. Manager Whitt explained there are neighborhood businesses utilizing this parking lot.

Mayor Pro Tem Ambrose said he will reach out to Oakland County Mainstreet.

Joe Loch, 1155 Wanda – said he has lived in Walled Lake forever. Mr. Loch said he supported the City manager and would prefer to have him working. Audience members who are political opponents of the City Manager disrupted the meeting and began yelling from their seats. Mayor Ackley called meeting for recess to regain order in the chambers.

Council recessed 8:40 p.m.

Council reconvened 8:57 pm

2. Public Safety Campus Expansion Committee – Progress Report Councilman Owsinek Committee Member

Council Member Owsinek explained there were discussions of a 72-space parking lot along with a bridge that will connect that lot with the trail this will be Phase I. Member Owsinek explained there will be also a police and fire memorial with other items yet to be determined.

3. Airline Trailway

Council Member and Trailway Representative Owsinek explained the Hawk System is up and running and working well. Member Owsinek explained the modified interlocal agreement is in progress right now and the city is working to ensure that the taxpayers of Walled Lake are protected in this agreement and not materially impacted by someone else's development. Member Owsinek further explained that any agreement generated by the trailway council will be presented to City Council for approval before it takes effect.

Council Member Costanzo said he was at the DDA meeting and opined he heard the consultant city engineer say, they were in Phase II of the trailway and permits will be moving forward. Member Costanzo said there was a public safety millage passed last August, the Fire Chief expressed the need for a new pumper truck, the ladder truck suffered a cathodic failure. Member Costanzo opined that on the agenda is the request to purchase two new police vehicles at \$60,000 cost plus \$10,000 for fittings seems to him as though a decision had been made before coming to this board for a vote and it is concerning. Member Costanzo said there is a trailhead at the depot, the heart of downtown which will bring people to the city. Member Costanzo said he would like to have council review everything before going ahead.

Council Member Owsinek explained to Member Costanzo, the next phase would be a fire training facility and asked Fire Chief Coomer for explanation on advanced fire training. It will have an impact on the city's fire rating and reduce the amount of insurance.

Fire Chief Coomer explained this training facility will impact the city's fire rating. Chief Coomer explained this was one of the areas to be improved upon with the ISO rating that just took place. Chief Coomer explained the training center consists of three shipping containers placed together and practice is then conducted on site for search and rescue, ladder training, etc. Chief Coomer explained off site training takes away equipment and personnel from the city. Fire Chief Coomer explained Wixom does not allow other communities to utilize their facility and the Walled Lake department currently drives out to Auburn Hills.

CITY MANAGER REPORT:

1. Departmental / Divisional Statistical Reports

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

-Warrant
d. Code Enforcement

**CM 1-2-20 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL /
DIVISIONAL STATISTICAL REPORTS**

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

Discussion

Council Member Costanzo asked about the disbursement of monies spent within the report pertaining to education and training, holiday display purchases, and beautification. Member Costanzo opined if money is spent, he would like to see it beautify the downtown area to look like Farmington Hills. Member Costanzo said we are struggling for money, yet we are spending money left and right. Member Costanzo asked why money was spent to send the Police Chief to the fire academy when we have a Fire Chief now.

City Manager Whitt explained the city process is continual training for personnel to do multiple jobs. Manager Whitt explained cross training saves money in the long run. Manager Whitt explained the administrative team he has put together will suit the city well in the future. Manager Whitt explained the city does not have a human resource department we have a human resource division. Manager Whitt explained this staff has been trained to do multiple jobs, they save the city hundreds and thousands of dollars. Manager Whitt explained this budget has been cut in half, explaining to Council Member Costanzo that the auditor explained that just this evening.

Council Member Costanzo asked about the Code Enforcement reports and item concerning alley ways. Member Costanzo opined of the debris in these areas.

City Manager Whitt explained the alley ways should be accessible and some of those property owners are in the audience right now, those alley ways should be clear of debris. Mr. Whitt explained the city works for compliance not writing citations.

Roll Call Vote

Ayes (7) Costanzo, Loch, Lublin, Owsinek, Woods, Ambrose, Ackley
Nays (0)
Absent (0)
Abstention (0)

City Manager Whitt requested the consultant city engineer to provide an update on the Pulte Development as well.

2. Presentation by Consulting City Engineer – SEMCOG and MDNR Grants

Bradd Maki, Consulting City Engineer, explained the storm sewer study in 2017 for downtown reported issues with varying problems. With the support of city council and DDA, there were three grants applied for. The first was MDEQ which was the largest and failed due to discharge going to a lake, not a drain. Mr. Maki explained the next two grants were to SEMCOG for bioswale projects. The grant amount was \$46,500 and estimated construction cost \$230,000. There is a coordination effort between the SEMCOG grant and MDNR grant. The MDNR grant has been provided recommendation of approval and it is pending final. This grant was approved in December 2019 with scope of work to include a bioswale, improvements to playground, street lighting, and fencing. The sidewalk in this area is to be replaced as well. Mr. Maki explained combing the grants gets the most for the grant amount to be awarded.

Manager Whitt explained when the final plan is created, it will come before Council. Mr. Whitt explained this coming year is when the project is to be moved forward subject to Council approval. Mr. Whitt explained there will be information brought before Council for approval.

Manager Whitt asked Mr. Maki to provide a status update on the Pulte project.

Mr. Maki explained the project has completed drainage improvements along the Leon Road ditch line, the development's road is in place, and there is storm sewer infrastructure to be completed. Mr. Maki explained there is a storm drain to be placed there is no discharge currently. From wetland to the lake, there was a 6-inch discharge at the lake, but it needed to be a 15-inch drain. Mr. Maki explained Oakland County has adjusted the pipe from 6 inch to 15 inches.

Council Member Costanzo explained you cannot see across the field; water is being pushed off because the elevation has been raised. Mr. Costanzo opined this was never represented to this body or the residents, this is a repeat of East Bay. Member Costanzo explained his concerns of flooding in this area and the developer was going to run the pipe all down to the lake not the hard-left turn into people's private yards.

Mr. Maki explained there was some flooding on the Pulte project, two rain events ago. Pulte bulkheaded their detention basin pipe. That has since been removed and now the flow, with this last rain system, the detention basin was holding all the water. Mr. Maki explained the drain along Leon Road was an improvement to the existing ditch, the amount of extra water is a very slow amount and it will not burden the ditch, it is being discharged to same location it has already been discharging to.

Member Owsinek asked if the 6-inch restriction at the seawall, was that corrected? Is it now a 15 inch? Mr. Maki said yes it has been corrected to the 15-inch standard. Member Owsinek explained when the rain event occurred, where it flooded out Tri A, he was there he witnessed it. The water is heavy in Tri A. However, the water from the Pulte property was withheld in the back-detention pond, it did not flow over everything.

Manager Whitt explained it is not fair to say it was the Pulte project that caused flooding. Mr. Whitt explained none of the water came from the Pulte project. Mr. Whitt explained the Pulte project contained its own water. Manager Whitt explained the Leon Road ditch improvements did not change where the water drains. Manager Whitt explained the city is not at the stage to blame Pulte for flooding, he was there and every drop of water that hit Pulte's property was contained on Pulte's property at this point in time and the site will be monitored. Manager Whitt said Tri-A did have heavy water from the heavy rains, but it did drain better than it did before. Manager Whitt explained as more grants become available, different areas will be looked at.

Mr. Maki explained the pipe was never to go to the lake, the pipe was directed to the wetlands and that pipe was to be directed to the lake.

City Manager Whitt explained the city is not proceeding with any project without Council approval.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

1. **Memo – Open Meetings Act (OMA)**
2. **Memo – Zoning Ordinance Pertaining to Fences**

City Attorney Vanerian explained the Zoning Board Appeals requested the ordinance be reviewed for aesthetic concerns and clarity.

Mayor Ackley explained there was another issue regarding lakeshore fencing and accessory structures not on a lot with a primary principal use. Mayor Ackley explained the Building Department is viewing the fence as an accessory structure.

**CM 1-3-20 MOTION TO FORWARD FENCE ORDINANCE TO
PLANNING COMMISSION FOR REVIEW AND STUDY**

Motion by Ambrose, seconded by Owsinek, UNANIMOUSLY CARRIED: To forward fence ordinance to Planning Commission for review and study,

Roll Call Vote

Ayes (7) Loch, Lublin, Owsinek, Woods, Ambrose, Costanzo, Ackley
Nays (0)
Absent (0)
Abstention (0)

3. Closed Session Request Attorney Client Communications – BDS Litigation Status Report pursuant to Section 8 (e) of the Open Meetings Act (OMA)

CM 1-4-20 TO ENTER CLOSED SESSION TO DISCUSS ATTORNEY CLIENT COMMUNICATIONS – BDS LITIGATION STATUS REPORT PURSUANT TO SECTION 8 (E) OF THE OPEN MEETINGS ACT (OMA)

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To enter closed session to discuss Attorney Client Communications – BDS litigation status report pursuant to Section 8 (e) of the Open Meetings Act (OMA).

Roll Call Vote

Ayes (7) Lublin, Loch, Owsinek, Woods, Ambrose, Costanzo, Ackley
Nays (0)
Absent (0)
Abstention (0)

Council Member Costanzo asked how many lawsuits the city is actively in.

City Attorney Vanerian said two.

Council Member Costanzo asked the City Attorney to provide a synopsis to the public because ultimately if the city is sued, they are sued. Member Costanzo said the lawsuit synopsis should be placed on the city website like what the City of Wixom provides to its residents.

Council Member Lublin opined he is not in favor of providing a synopsis with out being prepared to do so.

City Attorney explained the memo prepared for tonight's meeting was for a closed session, not a matter of public record, to discuss attorney client privileged information. Attorney Vanerian explained if requested by Council he will come back before Council with information in a general nature for informational purposes as a matter of public record.

City Manager Whitt explained the city lawsuits are all a matter of public record and they are accessible. Manager Whitt explained the instruments are available and then asked Member Costanzo which "Plaintiff" suing the city the Council Member had met with and which "Plaintiff's" suing the city he had spoken with. City Manager Whitt asked Member Costanzo for a yes or no answer in the interest of transparency. Council Member Costanzo refused to provide an answer to the City Manager Whitt or to the Mayor and City Council.

CM 1-5-20 MOTION TO HAVE THE CITY ATTORNEY PROVIDE A SYNOPSIS WITHOUT RISKING COURTROOM STRATEGY TO THE PUBLIC ON ACTIVE LAWSUITS THE CITY IS NAMED IN

Motion by Costanzo, seconded by Ambrose, **FAILED**: To have the City Attorney provide a synopsis without risking courtroom strategy to the public on active lawsuits the city is named in.

Discussion

Mayor Ackley asked City Attorney Vanerian should a member of the Council be meeting with a party of a lawsuit against the City.

City Attorney Vanerian said no.

Roll Call Rote

Ayes (3) Woods, Ambrose, Costanzo
Nays (4) Owsinek, Loch, Lublin, Ackley
Absent (0)
Abstention (0)

UNFINISHED BUSINESS:

1. Proposed Resolution 2019-50 Adopt Robert's Rule of Order

CM 1-6-20 A RESOLUTION TO ADOPT ROBERT'S RULES OF ORDER 11TH EDITION FOR PARLIAMENTARY PROCEDURES DURING MEETINGS PURSUANT TO THE REQUIREMENTS OF THE CITY CHARTER AND OPEN MEETINGS ACT

Motion by Lublin, seconded by Ambrose, **UNANIMOUSLY CARRIED**: To approve resolution 2019-50 a resolution to adopt Robert's Rules of Order 11th edition for parliamentary procedures during meetings pursuant to the requirements of the City Charter and Open Meetings Act.

Roll Call Vote

Ayes (7) Woods, Ambrose, Costanzo, Loch, Lublin, Owsinek, Ackley
Nays (0)
Absent (0)
Abstention (0)

2. Proposed Resolution 2019-51 Appoint Sergeant-at-Arms

City Manager Whitt explained as the parliamentarian, he recommends the Chief of Police of designee as the Sergeant-at-Arms.

CM 1-7-20 A RESOLUTION FOR THE APPOINTMENT OF SERGEANT AT ARMS

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2019-51 a resolution for the appointment of Sergeant-at-Arms.

Roll Call Vote

Ayes (7) Ambrose, Costanzo, Loch, Lublin, Owsinek, Woods, Ackley
Nays (0)
Absent (0)
Abstention (0)

City Manager Whitt offered himself up to continue as the Parliamentarian.

CM 1-8-20 MOTION TO CONTINUE WITH CITY MANAGER AS PARLIAMENTARIAN

Motion by Owsinek, seconded by Lublin, CARRIED: To continue with City Manager L. Dennis Whitt serving as Parliamentarian.

Roll Call Vote

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

NEW BUSINESS:

1. Approval of Recommendation for Reprogramming CDBG Funding for PY 2017 and 2018

CM 1-9-20 TO APPROVE REPROGRAMMING CDBG FUNDING PY 2017 AND 2018

Motion by Ambrose, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve reprogramming CDBG funding PY 2017 and 2018

Roll Call Vote

Ayes (7) Loch, Lublin, Owsinek, Woods, Ambrose, Costanzo, Ackley
Nays (0)
Absent (0)
Abstention (0)

2. Proposed Resolution 2020-01 Budget Amendment FY 19

CM 1-10-20 TO APPROVE RESOLUTION 2020-01 A RESOLUTION AMENDING THE OPERATING AND CAPITAL BUDGET APPROPRIATIONS OF THE FUNDS FOR FISCAL YEAR 2019-2020

Motion by Loch, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2020-01 a resolution amending the operating and capital budget appropriations of the funds for fiscal year 2019-2020.

Roll Call Vote

Ayes (7) Lublin, Owsinek, Woods, Ambrose, Costanzo, Loch, Ackley
Nays (0)
Absent (0)
Abstention (0)

3. Proposed Resolution 2020-02 Defined Benefit Corrective Action Plan

CM 1-11-20 TO APPROVE RESOLUTION 2020-02 A RESOLUTION APPROVING A CORRECTIVE ACTION PLAN FOR THE CITY OF WALLED LAKE'S DEFINED BENEFIT PENSION RETIREMENT FUND TO BE SUBMITTED TO THE MICHIGAN DEPARTMENT OF TREASURY AS REQUIRED UNDER PUBLIC ACT 202 OF 2017

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2020-02 a resolution approving a corrective action plan for the City of Walled Lake's Defined Benefit Pension Retirement Fund to be submitted to the Michigan Department of Treasury as required under Public Act 202 of 2017.

Roll Call Vote

Ayes (7) Owsinek, Woods, Ambrose, Costanzo, Loch, Lublin, Ackley
Nays (0)
Absent (0)
Abstention (0)

4. Proposed Resolution 2020-03 Watch Guard Wireless Video Transfer System

Captain Kolke explained this system provides a more efficient and reliable method of transferring video from the patrol cars.

CM 1-12-20 TO APPROVE RESOLUTION 2020-03 A RESOLUTION APPROVING THE PURCHASE OF A WIRELESS VIDEO TRANSFER SYSTEM WITH SERVER HARDWARE AND SOFTWARE

Motion by Loch, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve resolution 2020-03 a resolution approving the purchase of a wireless video transfer system with server hardware and software.

Roll Call Vote

Ayes (7) Woods, Ambrose, Costanzo, Loch, Lublin, Owsinek, Ackley
Nays (0)
Absent (0)
Abstention (0)

5. Proposed Resolution 2020-04 Patrol Police Vehicle Purchase

Captain Kolke explained the purchase of two new vehicles is part of the City's patrol vehicle replacement plan.

CM 1-13-20 TO APPROVE RESOLUTION 2020-04 A RESOLUTION APPROVING THE PURCHASE OF TWO NEW 2020 DODGE DURANGO'S FROM SHUMAN CHRYSLER/DODGE AND SOLE SOURCE BIDDER TO INSTALL POLICE PACKAGES

Motion by Lublin, seconded by Loch, CARRIED: To approve resolution 2020-04 a resolution approving the purchase of two new 2020 Dodge Durango's from Shuman Chrysler/Dodge and sole source bidder to Police Packages.

Discussion

City Manager Whitt explained there was an issue with obtaining the typical police car for the Dodge Charger as it was not available due to production changes within Dodge. Manager Whitt explained the production of these cars is being phased out. Manager Whitt said as the prior purchased cars are being phased out, and with the desire for continued cost savings, the purchase of the proposed Dodge Durango vehicles is an option. Mr. Whitt explained this change in vehicle type is not because the department wishes to have different vehicles. Manager Whitt explained the police vehicles are purchased from through forfeiture funds.

Member Costanzo said the city is adding another \$10,000 on the purchases out of the forfeiture funds but this a perfect example why we do not want to spend the forfeiture funds on the public safety campus. We need a pumper truck; we had a catastrophic accident with the ladder truck last month. Member Costanzo opined this helps make his case why we do not want to expand the public safety campus and use up the forfeiture funds when we need to give our police and fire the tools they need in our community.

City Manager Whitt corrected Council Member Costanzo's misunderstanding of the law stating Council Member Costanzo's statements do not make the councilman's case. City Manager Whitt explained to Council Member Costanzo that what the council member had stated about spending forfeiture money on fire equipment, is illegal. City Manager Whitt further explained forfeiture funds may be spent for police cars, police memorials, or other police equipment but forfeiture funds cannot be used to purchase a pumper truck or ladder truck for the Fire Department.

Roll Call Vote:

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

6. Discussion of Budget Work Session Dates for Fiscal Year 2021

Council Member Lublin explained April 8th is first day of Passover and asked that a different date be selected. Discussion was held to change the April 8th date to the 15th.

Council Member Woods requested date to be changed to not be within that week at all, maybe a week later or week before.

CM 1-14-20 MOTION TO APPROVE THE BUDGET WORK SESSION DATES FOR FISCAL YEAR 2021 WITH CHANGE FOR WORKSHOP 2 FROM THE APRIL 8TH DATE THE APRIL 15TH

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: To approve the budget work session dates for fiscal year 2021 with change for workshop 2 from April 8th date to April 15th.

Discussion

Council Member Costanzo opined that the meetings would consist of a council quorum and required that attendance and minutes be taken.

City Manager Whitt explained to Council Member Costanzo that budget workshops are run by city administration, they are a City Manager session, listen to council input, no crystallizing of decisions are made, no final decisions at all are requested. The packet of information is provided in a binder, the early meetings are administration, department heads and city manager presentations.

City Attorney Vanerian explained to Member Costanzo if not engaging in discussion or deliberations to render a decision, the OMA does require that, it is like listening to a presentation whether four council members are present or not.

Roll Call Vote:

Ayes (7) Costanzo, Loch, Lublin, Owsinek, Woods, Ambrose, Ackley
Nays (0)
Absent (0)
Abstention (0)

COUNCIL COMMENTS:

Council Member Loch thanked everyone for staying so late and opined the election is over, we need to treat each other and our neighbors kindly. Member Loch said this recent election has divided us; we need to come back together, the greatest thing about Walled Lake is the sense of community.

Council Member Woods said he had the opportunity to go through a drive with the Police Department and walk through the facility, hit the details, hit the vehicles, when discussion are held on vehicle maintenance you can see this firsthand. Member Woods explained he was also aware of the water issues with the heavy rains, he took pictures. Member Woods explained there were improvements to water flow but there is an agreement in place and there is still more work to do. Member Woods opined we need to have patience and focus to get things done. Mr. Woods explained with the expenditures needed for the fixes, they cannot take place overnight.

Council Member Lublin explained Library Director Alyson Lobert will be moving to the Commerce Library. Member Lublin said the assistant director Carrie Ralston will be taking over,

she will step right in and be a good fit. Member Lublin thanked the city administration for their efforts in obtaining the highest audit opinion as reported by the auditor this evening.

Council Member Owsinek concurred with Member Loch and said respect is due for a person speaking.

Council Member Costanzo explained the lake board will be working the new tax assessment roll as the current one was renewed. Member Costanzo explained there is opportunity to dispute if someone wished to pursue there will be notices sent.

Mayor Pro Tem Ambrose explained the lake board is an important asset to the city, the lake is 100% usable and invasive species are being monitored. Member Ambrose said as boats from other communities enter our water invasive species come with and part of the purpose of the lake board is to help maintain and manage the lake species. Member Ambrose thanked the residents and business owners for attending tonight's meeting.

MAYOR'S REPORT:

1. SMART Bus Participation Agreement – Highland Township

Assistant Manager Pesta explained the route expanded to M-59 to White Lake Township which is now offered to Walled Lake residents.

City Manager Whitt explained the rates have not been increased. Manager Whitt explained if the rider goes outside to what the city offers, there may be a slight increase for those rides, however, Walled Lake Administration did not raise the rate for travels within the city that is the same.

Council Member Costanzo asked where the boundary for Walled Lake. Member Costanzo explained that he was confused about the Walled Lake boundary and rates.

Assistant City Manager Pesta attempted to clear up Council Member Costanzo's confusion about boundaries and rates stating that the rider is provided a map when they sign up as a rider. Mrs. Pesta explained there are two maps provided to the rider, the Walled Lake area and expanded area outside of Walled Lake. Assistant City Manager Pesta explained to Council Member Costanzo that riders have multiple choices, but the city did not raise rates for travels within the city.

2. Posting of Agendas

Mayor Ackley explained it has always been policy to have administration, the City Manager and City Clerk to create the agenda and council may add to it at the meeting.

Mayor Ackley explained the council report agenda item is opportunity for those members of council who are on a board to discuss items of that particular board. Mayor Ackley explained the

council comment agenda item is for council discussion for items that come up during the meeting.

Council Member Costanzo explained council motion 4-12-18 was to post agenda online on the city website and opined that is not being followed.

City Manager Whitt explained the website is a courtesy. Manager Whitt explained if a meeting must be noticed, placing both places is a good idea, however, the city is meeting its requirement of posting agendas as is.

3. Proposed Resolution 2020-05 Accepting Mayor's nomination to appoint James Arnold to the Zoning Board of Appeals

CM 1-15-20 TO APPROVE RESOLUTION 2020-05 A RESOLUTION ACCEPTING THE MAYOR'S NOMINATION TO FILL A VACANCY ON THE ZONING BOARD OF APPEALS PURSUANT TO THE REQUIREMENTS OF THE CITY CHARTER: MAKING AND APPOINTMENT TO THE ZONING BOARD OF APPEALS FOR AN UNEXPIRED TERM

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: To approve resolution 2020-05 a resolution accepting the Mayor's nomination to fill a vacancy on the Zoning Board of Appeals pursuant to the requirements of the City Charter: making and appointment to the Zoning Board of Appeals for an unexpired term.

Roll Call Vote:

Ayes (7) Loch, Lublin, Owsinek, Woods, Ambrose, Costanzo, Ackley
Nays (0)
Absent (0)
Abstention (0)

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

CM 1-16-20 TO ENTER INTO CLOSED SESSION TO DISCUSS CITY MANAGER EVALUATION AS REQUESTED BY EMPLOYEE PURSUANT TO SECTION 8(A) OF THE OPEN MEETINGS ACT (OMA)

Motion by Loch, seconded by Lublin, UNANIMOUSLY CARRIED: To enter into closed session to discuss City Manager evaluation as requested by employee pursuant to Section 8(a) of the Open Meetings Act (OMA).

Roll Call Vote:

Ayes (7) Lublin, Owsinek, Woods, Ambrose, Costanzo, Loch, Ackley
Nays (0)
Absent (0)
Abstention (0)

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

CM 1-17-20 TO ENTER INTO CLOSED SESSION TO DISCUSS CITY ATTORNEY EVALUATION AS REQUESTED BY EMPLOYEE PURSUANT TO SECTION 8(A) OF THE OPEN MEETINGS ACT (OMA)

Motion by Loch, seconded by Lublin, UNANIMOUSLY CARRIED: To enter into closed session to discuss City Attorney evaluation as requested by employee pursuant to Section 8(a) of the Open Meetings Act (OMA).

Roll Call Vote:

Ayes (7) Owsinek, Woods, Ambrose, Costanzo, Loch, Lublin, Ackley
Nays (0)
Absent (0)
Abstention (0)

6. Closed Session request to discuss with City Attorney the Coeus versus Walled Lake lawsuit pursuant to section 8 (e) of the Open Meetings Act (OMA).

Motion by Costanzo, seconded by none. Motion failed for lack of support.

Council recessed 10:35 p.m.

Council reconvened 10:40 p.m.

Council entered closed session 10:43 p.m.

Council rose from closed session 11:31 p.m.

CM 1-18-20 TO APPROVE RESOLUTION 2020-06 A RESOLUTION APPROVING THE EMPLOYMENT CONTRACT WITH L. DENNIS WHITT AND AUTHORIZING THE CITY MAYOR TO EXECUTE THE AGREEMENT

Motion by Lublin, seconded by Ambrose, CARRIED: To approve resolution 2020-06 a resolution approving the employment contract with L. Dennis Whitt and authorizing and directing the City Mayor to execute the agreement.

Roll Call Vote

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

CM 1-19-20 MOTION TO FIND AND DETERMINE THAT THE CITY ATTORNEY'S ANNUAL REVIEW AND PERFORMANCE EVALUATION FOR THE PREVIOUS YEAR'S WORK WAS SATISFACTORY

Motion by Owsinek, seconded by Lublin, CARRIED: To find and determine that the City Attorney's annual review and performance evaluation for the previous year's work was satisfactory.

Roll Call Vote

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

CM 1-20-20 TO APPROVE RESOLUTION 2020-07 A RESOLUTION APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH VAHAN C. VANERIAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE TERMS OF THE EMPLOYMENT AGREEMENT

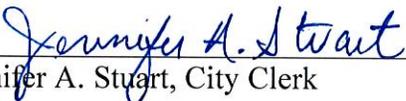
Motion by Owsinek, seconded by Lublin, CARRIED: To approve resolution 2020-07 a resolution approving an amendment to the employment agreement with Vahan C. Vanerian and authorizing the City Manager to execute the terms of the employment agreement.

Roll Call Vote

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

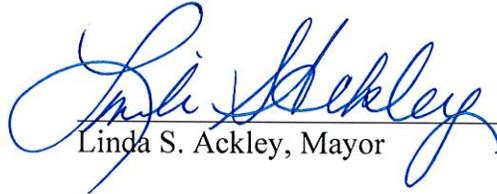
ADJOURNMENT

Meeting adjourned at 11:34 p.m.



Jennifer A. Stuart, City Clerk

Approved 2-18-20



Linda S. Ackley, Mayor