



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
(ELECTRONIC MEETING PLATFORM)
TUESDAY, JULY 21, 2020
7:30 P.M.**

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

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

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

OTHERS PRESENT: City Manager Whitt, Confidential Assistant Jaquays, Police Chief Shakinas, Police Captain Kolke, Fire Chief Coomer, Finance Director Barlass, City Attorney Vanerian, Deputy City Clerk Gross, and City Clerk Stuart

CM 7-4-20 MOTION TO EXCUSE COUNCIL MEMBER LOCH FROM TONIGHT'S MEETING

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

REQUEST FOR AGENDA CHANGES: None

Council Member Costanzo moved to place public comment at the top of agenda, right after approval of the minutes.

Mayor Ackley said there was a motion on the table and asked is there support. Motion failed for lack of support.

Council Member Costanzo moved again to place public comment before approval of the minutes.

Mayor Ackley said there was a motion on the table and asked is there support. Motion failed for lack of support.

APPROVAL OF THE MINUTES:

- 1. Regular Council Meeting June 16, 2020**

**CM 7-5-20 MOTION TO APPROVE THE REGULAR COUNCIL MEETING
MINUTES OF JUNE 16, 2020**

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve the Regular Council Meeting Minutes of June 16, 2020.

Roll Call Vote

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

2. Special Council Meeting July 8, 2020

**CM 7-6-20 MOTION TO APPROVE SPECIAL COUNCIL MEETING
MINUTES OF JULY 8, 2020**

Motion by Lublin, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve Special Council Meeting minutes of July 8, 2020.

Roll Call Vote

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

COUNCIL REPORT:

Mayor Pro Tem Ambrose said there was a Walled Lake Improvement Board meeting on July 14th and discussion was held on the exceptional amount of invasive species in the lake that requires additional treatment. Mayor Pro Tem Ambrose said there is a public meeting scheduled for Wednesday, September 9, 2020 at 7pm at the Novi Civic Center to take public comments regarding the lake board. He explained those comments are used to make any decisions in regard to the lake board itself, the treatments of the water, and agendas for the board.

Council Member Costanzo asked Mayor Pro Tem Ambrose if the September 9th meeting was to discuss the special tax assessment roll that is going to be assessed on the property owners.

Mayor Pro Tem Ambrose explained to Council Member Costanzo that it is an opportunity for those who have an assessment for the lake board to their property to discuss it.

Council Member Costanzo opined that when the lake board was formed five years ago it was with the special tax assessment that was supposed to sunset after five years. Council Member

Costanzo said the lake board members took it upon themselves to renew themselves and the tax increase for another five years. Council Member Costanzo asked Mayor Pro Tem Ambrose why the lake board decided to renew themselves and the special tax increases assessment without first talking with the residents and hold a meeting before September 9th.

Mayor Pro Tem Ambrose explained to Council Member Costanzo that the board was created and was assessed after five years and assess the actual work being done and the necessity for it. Mayor Pro Tem Ambrose corrected Council Member Costanzo and explained that there was a public meeting and those that believe the lake is an asset voted to renew. Mayor Pro Tem Ambrose explained to Council Member Costanzo that the lake needs to be managed and decisions must be made in the best interest of the stakeholders. Mayor Pro Tem Ambrose said if Council Member Costanzo had concerns or issues to discuss he is welcomed him to attend the lake board meetings and voice those concerns.

Mayor Pro Tem Ambrose reported the DDA held a zoom meeting on July 14th and said there was discussion on the Walled Lake Community Theater (JET) providing a presentation in August with use of the Oakland County Show mobile to showcase their venture. Mr. Ambrose said the Walled Lake Farmer's Market was discussed and doing very well. Mr. Ambrose said Riley Park has some recent improvements along with discussions of replacing the playground equipment. The Banks Dolbeer (Foster Farmhouse) exterior has recently been painted. Mayor Pro Tem Ambrose thanked resident and committee member Mr. Neal Wolfson for spearheading the business owners' thank you to the Walled Lake administration, police, fire, DPW and all the people working hard to keep us afloat during COVID-19.

Council Member Lublin said the library board met last Friday and they will be hosting in person library board meetings again acknowledging the social distance requirements. He explained the library is open with limitations, computers by appointment only with a thirty-minute limit and curbside book pick up. Council Member Lublin said long time library board member Gretchen Benyi has left the library board after numerous years of service. Mr. Lublin said the library is trying to do what they can to help during this time. Mr. Lublin said there is a possible new board member and her application will be forwarded to the Mayor.

CITY MANAGER'S REPORT:

1. Departmental/Divisional Statistical Reports

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

CM 7-7-20

**MOTION TO RECEIVE AND FILE THE DEPARTMENTAL AND
DIVISIONAL STATISTICAL REPORTS**

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To receive and file the departmental and divisional statistical reports.

Discussion

Council Member Costanzo said on page 37 and page 41 of the packet the city spent another \$5,040 on the empty dirt field next to city hall. Mr. Costanzo said that puts the bill to over \$35,000 dollars on this property and no end in sight. Council Member Costanzo opined his concerns that forfeiture funds might be used to pay for the public safety campus expansion. Council Member Costanzo questioned the sidewalk work downtown it looks in terrible shape and asked what the plan is to fix it.

Roll Call Vote

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

City Manager Whitt explained to Council Member Costanzo that the repair work downtown was not a city project and the plan for sidewalk repairs were made by the contractors installing the gas line. City Manager Whitt explained to Council Member Costanzo that if he had bother to visit downtown he would have observed that the sidewalk repair and improvement made by the contractors for the gas line began today with pouring of new concrete.

Manager Whitt explained during construction the police department was there directing traffic and the public works crew were checking the status continually. City Manager Whitt explained there were additional negotiations with the contractors for a few more feet of new sidewalk and initially they were inclined to do it but then decided they could not because they had other work to complete elsewhere. Mr. Whitt said there will be additional improvements downtown. Manager Whitt said it was reported to council prior about the infrastructure issues downtown due to neglect and now there is a sink hole that is in the works to be repaired for a cost of \$15,000.

Manager Whitt explained he obtained compliance from business owners for removal of their signage, although the signs were not illegal they were causing problems. Mr. Whitt explained that presently the people who are not complying with parking downtown are the very same business owners who were the complainants of the Green House signs. Manager Whitt said he received compliance again from the Green House with request for wall mural to be removed.

City Manager Whitt said the city did receive a check for complete cost of the painting of the Foster Farmhouse in the amount of \$5,000 from business owner of Green House, Mr. Jerry Millen.

City Manager Whitt said the Riley Park parking lot was sealed and striped. Mr. Whitt explained funding will be identified to rebuild the play equipment in this park this year, if not this year then next year.

City Manager Whitt explained the parking downtown is still an issue, today calls were received about someone selling parking spots downtown in front of the beach. City Manager Whitt explained the Tiki Bar restaurant was charging for people to park in their parking lot, however no one was charging to park at the beach. Mr. Whitt said police officers were policing the beach trying to get compliance. Manager Whitt said the city is getting people from far away who want to enjoy the beautiful beach. Mr. Whitt said getting people to comply with social distancing is tough. City Manager Whitt said he has met with police officers several times to deal with people and to try and get compliance with social distancing without getting in the middle of a brawl. City Manager Whitt explained that there were arrests made. City Manager Whitt explained new signage is coming to remind people they cannot smoke or drink liquor on the beach. He said these items are already against state law but reminding the people is necessary.

City Manager Whitt explained the public safety campus expansion is moving forward with the memorial and access to the trail. Manager Whitt said what will be spent from forfeiture funds will be spent within the limits of the forfeiture funds guidelines. City Manager Whitt opined that Council Member Costanzo does not support the police memorial and other improvements. City Manager Whitt explained to Council Member Costanzo that the votes for improvements to the public safety campus have already been cast and the city will be developing a memorial for the police, fire, and the countries servicemen and women.

Manager Whitt explained that he had appointed Ms. Hana Jaquays as the Walled Lake Farmers Market manager and already the market vendors are growing in numbers.

Manager Whitt said the Walled Lake Community Theater (JET) is working on putting out a show, a children's play on stage in August. City Manager Whitt said as DDA Chairman Ambrose explained the show mobile will be set and it will be at the farmer's market field/public safety campus expansion area. City Manager Whitt said social distancing will be required to by all parties. City Manager Whitt said there is support from the DDA and Parks and Recreation Commission for this event to help bring the community together.

City Manager Whitt explained comments made by Council Member Costanzo at the July 8th special meeting were of great concerning to him. City Manager Whitt stated that Council Member Costanzo said he is uncomfortable with the county election division picking up the city absentee ballots for processing. City Manager Whitt explained that he had served as city clerk of Walled Lake and as a clerk in other jurisdictions, and with that experience City Manager Whitt explained that he is not at all concerned with the Oakland County Clerk's Office assistance in picking up the city's absentee ballots. Mr. Whitt explained that the Oakland County Election Division, headed by Joe Rozell, is one of the most highly qualified election divisions in government and the integrity of the Oakland County Election Director is beyond question. City Manager Whitt explained that Rozell holds people accountable as illustrated by a recent article in the Spinal Column. City Manager Whitt explained that Director Rozell held the Supervisor of

Commerce Township accountable. City Manager Whitt explained that the Oakland County Elections Division Director required the Commerce Township Supervisor complete his financials which he had failed to do and exacted penalties by way of fines. City Manager Whitt reiterated that he trusts the Oakland County Election Division as, as do all of Walled Lake Council Members except one.

Council Member Costanzo said what he expressed was his discomfort with picking up ballots the day before. Mr. Costanzo opined he wanted ballots counted in the city's precincts.

Council Member Costanzo said the campus expansion, the dirt field next to city hall, has construction costs being paid for by forfeiture funds. Council Member Costanzo said that is not permissible to use the forfeiture funds in this way and asked the city attorney to review.

City Manager Whitt opined that Council Member Costanzo did not support the police and that is the view of the police. City Manager Whitt opined Council Member Costanzo is antipolice. City Manager Whitt explained that Council Member Costanzo is charging that city officials are doing wrong by utilizing forfeiture funds for public safety expenditures. City Manager Whitt said he has been in law enforcement since 1974 and the phrase "crime fighting" is not the terminology utilized by the Department of Justice for determining authorization for use of the forfeiture program funds. City Manager Whitt opined Council Member Costanzo is misleading the community on the use of forfeiture funds and he misled this community again tonight. City Manager Whitt said Council Member Costanzo stated he called the Department of Justice and was told that what the city is doing with forfeiture funds is not appropriate. City Manager Whitt asked Council Member Costanzo who he spoke with in the office of the attorney general or general staff. City Manager Whitt asked that Council Member Costanzo provide any communications that the city is misspending forfeiture funds. City Manager Whitt opined Council Member Costanzo has no understanding of the forfeiture program and he is lying about his understanding of the program and is purposely misleading the public. City Manager Whitt said Council Member Costanzo has voted against anything to do with the police department, yet he continues to say he is looking out for the police.

City Manager Whitt said Council Member Costanzo stated he spoke with the Department of Justice and was told the way the city is spending money is not allowed. City Manager Whitt stated that Council Member Costanzo cannot point to any inappropriate expenditure. City Manager Whitt said Council Member Costanzo told the council he spoke with the Department of Justice and opined that communication is public information and details should be provided. City Manager Whitt stated the city has never misspent forfeiture funds, yet Council Member Costanzo continues to attack the police by way of saying he is somehow the overseer of city staff. City Manager Whitt challenged Council Member Costanzo to put in writing what he claims is unauthorized and report to wherever he feels he needs to report. City Manager Whitt opined that Council Member Costanzo should not come to the city meetings and imply that administration is misspending forfeiture funds. City Manager Whitt opined that Council Member Costanzo makes the complaints of misspending forfeiture funds because he wants to stop the public safety project because he is antipolice.

Mayor Pro Tem Ambrose said the construction on E. Walled Lake Drive has been working to restore the sidewalks from the gas line repair. He said it was restored better than what it was prior to repair work.

Mayor Ackley explained anytime there is construction, there is debris, and it is being worked on and they are moving fast to complete it.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

1. Memo Legal Update Regarding Regulation of Caregiver Facilities

City Attorney Vanerian explained his memo provides an update from the Michigan Supreme Court and their issuance of a legal opinion that local municipalities can regulate for caregiver facilities and activities. Supreme Court held that it is proper for a local municipality to restrict caregiver activity to certain local zoning jurisdictions. He said the city does not have any local regulations pertaining to medical marijuana caregiver facilities, the city has regulations and licensing ordinances for larger medical marijuana facilities that are licensed through the state and the city. He said there are no city ordinances for caregiver facilities. He explained if the council did not adopt any regulations for medical caregiver facilities, basically the way it would work under the city's current ordinances, these facilities would most likely be placed in industrial zoning districts. City Attorney Vanerian explained he is looking for council's guidance, if council is interested in adopting regulations for caregiver facilities, what zoning district, and any additional zoning regulations council would like to place.

City Attorney Vanerian explained the caregiver can grow and distribute medical marijuana to their patients. Attorney Vanerian explained under state law, the caregiver is limited to a half a dozen patients with a dozen plants per patient. He said caregivers will divide up an industrial building or a commercial building into individual suites so there may be several caregivers in a single building, but they do still have to comply with state laws.

Council Member Costanzo explained that he didn't know if caregivers must have separate addresses.

City Attorney Vanerian explained to Council Member Costanzo that state law does not distinguish based on having separate addresses. City Attorney Vanerian explained that each must maintain closed and locked facilities and only have access to product for their patients, even if multiple caregivers are in one building, they only have access

Council Member Lublin said he does want the ability to restrict caregivers to certain zoning districts and not allow them in any residential areas.

**CM 7-8-20 MOTION TO DIRECT CITY ATTORNEY TO DRAFT
ORDINANCE REGULATIONS PERTAINING TO MARIJUANA
CAREGIVERS**

Motion by Lublin, seconded by Ambrose, UNANIMOUSLY CARRIED: To direct to City Attorney to draft ordinance regulations pertaining to marijuana caregivers.

Discussion

Council Member Lublin said he is in favor of caregivers being limited to certain zoning districts. He opined prohibiting residential areas protects the integrity of the neighborhood.

Mayor Pro Tem Ambrose said he agrees with Council Member Lublin, there were issues in the past with residential foreclosures and rentals and people coming in and starting grow sites in those homes.

Council Member Owsinek explained the Planning Commission had a case where an applicant requested a caregiver grow facility in a residentially zoned area. He said he is not in favor of this and wants to be able to prohibit these in residentially zoned areas, he opined it is more appropriate for this use to be in an industrial setting and not permit any in a residential area.

City Attorney Vanerian said that is an issue that has yet to be determined by the Supreme Court. City Attorney said the Supreme Court upheld restricting caregivers to certain specified zoning districts, but they did not provide much guidance in terms of how the local municipalities can regulate facilities beyond that.

Roll Call Vote

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

2. Memo Charter Amendment Explanatory Caption

City Attorney Vanerian said his memo discusses the explanatory caption council may place on the ballot with the proposed City Manager Charter amendment which happened to be disapproved by both the Governor and Attorney General's office as it did not comply with state law. City Attorney Vanerian explained the petition was created by Take Back Walled Lake. Attorney Vanerian said petition proposals that seek to change the city Charter have to be reviewed by the Governor and Attorney General. City Attorney Vanerian said the proposed amendment does not comply with state law, but nevertheless, because it is an initiatory petition, it still has to go on the November ballot. City Attorney Vanerian said that does not mean the problems identified by the Governor's and Attorney General's office go away. City Attorney Vanerian said City Council can place an explanatory caption that further explains the ballot

proposal to ensure the voters are fully informed and not being misled. City Attorney Vanerian said his memo included several points for discussion and consideration for potential inclusion on an explanatory caption. City Attorney Vanerian said the contractual liability under the City Manager's current contract exceed \$600,000 if the amendment somehow legally became effective. Attorney Vanerian said the proposed ballot question fails to inform the voters that it seeks to fundamentally change the city's basic form of government by legally improper and impermissible means as determined by the Governor and Attorney General. City Attorney Vanerian explained it does not fully disclose to the voter what they are voting on.

City Attorney Vanerian said the explanatory caption must be adopted by council and it must be prepared in the form of a resolution adopted by council. He said this language will then have to be submitted to Oakland County no later than August 11, 2020.

Mayor Ackley asked for the word limit for an explanatory caption.

City Attorney Vanerian explained the courts acknowledge there is not a word limit however, they considered lengthy captions problematic.

Mayor Pro Tem Ambrose said consideration needs to be given to how much time the public will have to read the entire ballot proposal and what their vote of no or yes will mean as far as liability to the city.

City Attorney Vanerian explained he will review for what would or would not be appropriate however if there is something specific council is looking for the council can provide that instruction.

Council Member Costanzo said City Attorney Vanerian referenced Ann Arbor in prior discussion and how the City Council of Ann Arbor exceeded their authority and the court felt they were influencing the election.

Council Member Owsinek said he wants to make sure the voters fully understand what the consequences of adopting this change means if they vote yes. Council Member Owsinek said those issues need to be fully disclosed, to inform the voter of the consequences of voting one way or the other.

Council Member Lublin said he concurs with Council Member Owsinek, the consequences must be included in the caption.

Council Member Woods said he agrees as well and explained providing an explanation of what could happen with a yes vote or a no vote is necessary.

Mayor Pro Tem Ambrose said it is also important to provide consequences of breaking a contractual agreement that the city representatives, i.e. council has entered with the City Manager. Mayor Pro Tem Ambrose explained when the Take Back Walled Lake petitions were being passed around for signatures this was not provided to signers of the petition.

City Manager Whitt explained what is missed is that the city will also be responsible to pay someone to replace the city manager and several other positions which will be additional costs of hundreds of thousands of dollars. City Manager Whitt said what is also not transparent and what Council Member Costanzo failed to explain to the public, is that Council Member Costanzo himself is part of that group that circulated the Take Back Walled Lake petitions. City Manager Whitt said Council Member Costanzo and his family signed the petition, yet Council Member Costanzo is trying to influence what goes in the explanatory caption.

City Manager Whitt explained that the voters in Walled Laker are not foolish, they understand it is another version of retaliation from Council Member Costanzo because Manager Whitt had spoken out against Council Member's Costanzo's mate, a former member on the council through a testimony at a public hearing about her misconduct in office.

Council Member Lublin said the caption should explain and include consequences of a yes vote or a no vote.

Mayor Ackley said shortness is not what is needed with this, council needs to provide the voters as much information as possible.

City Attorney Vanerian said he will put together a draft resolution and a special meeting will have to be scheduled.

Council discussed meeting dates for the special meeting and decided upon August 5th at 7:30 p.m.

CM 7-9-20 MOTION TO SCHEDULE A SPECIAL CITY COUNCIL MEETING ON AUGUST 5, 2020 AT 7:30 P.M. TO PRESENT RESOLUTION OF EXPLANATORY CAPTION FOR BALLOT LANGUAGE FOR NOVEMBER 2020 BALLOT

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To schedule a special city council meeting for August 5, 2020 at 7:30 p.m. to present resolution of explanatory caption for ballot language for November 2020 ballot.

Roll Call Vote

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

UNFINISHED BUSINESS:

- 1. Second Reading C-349-20 Amendment to Section 21.50 (I) Marijuana Facility Site Plan Expiration Provisions**

CM 7-10-20 MOTION TO APPROVE SECOND READING C-349-20 AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE ZONING ORDINANCE, TO AMEND ARTICLE 21.00 "GENERAL PROVISIONS", SECTION 21.50 "MARIJUANA FACILITIES" BY AMENDING THE SITE PLAN EXPIRATION PROVISIONS SET FORTH IN SUBPARAGRAPH (I) AS PROVIDED BY THIS ORDINANCE

Motion by Ambrose, seconded by Lublin, UNANIMOUSLY CARRIED: To approve second reading C-349-20 an ordinance to amend Chapter 51, "Zoning", of Title V, "Zoning and Planning", the City of Walled Lake Zoning Ordinance, to amend Article 21.00 "General Provisions", Section 21.50 "Marijuana Facilities" by amending the site plan expirations set forth in subparagraph (I) as provided by this ordinance.

Roll Call Vote

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

- 2. Second Reading C-351-20 Amendment to Chapter 51 Section 21.50 Subsection (e) 7 Separation Requirement**

CM 7-11-20 MOTION TO APPROVE SECOND READING C-351-20 AN ORDINANCE TO AMEND CHAPTER 18 "BUSINESSES" OF THE CITY OF WALLED LAKE CODE OF ORDINANCES ARTICLE XI "MEDICAL MARIJUANA FACILITIES" TO REGULATE AND REQUIRE LOCAL LICENSING OF MEDICAL MARIJUANA BUSINESSES AND ESTABLISHMENTS WITHIN THE CITY AS PROVIDED BY STATE LAW

Motion by Woods, seconded by Lublin, UNANIMOUSLY CARRIED: To approve second reading C-351-20 an ordinance to amend Chapter 18 "Businesses" of the City of Walled Lake Code of Ordinances Article XI "Medical Marijuana Facilities" to regulate and require local licensing of medical marijuana businesses and establishments within the City as provided by state law.

Roll Call Vote

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

3. Second Reading C-352-20 Amendment to Chapter 18 Businesses – Medical Marijuana Facilities

CM 7-12-20 MOTION TO APPROVE SECOND READING C-352-20 AN ORDINANCE TO AMEND CHAPTER 18 “BUSINESSES”, OF THE CITY OF WALLED LAKE CODE OF ORDINANCES ARTICLE IX “MEDICAL MARIJUANA FACILITIES” TO REGULATE AND REQUIRE LOCAL LICENSING OF MEDICAL MARIJUANA BUSINESSES AND ESTABLISHMENTS WITHIN THE CITY AS PROVIDED BY STATE LAW

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve second reading C-352-20 an ordinance to amend Chapter 18 “Businesses”, of the City of Walled Lake Code of Ordinances Article IX “Medical Marijuana Facilities” to regulate and require local licensing of medical marijuana businesses and establishments within the city as provided by state law.

Roll Call Vote

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

4. Second Reading C-353-20 Amendment to Chapter 18 Businesses – Recreational Marijuana Establishments

CM 7-13-20 MOTION TO APPROVE SECOND READING C-353-20 AN ORDINANCE TO AMEND CHAPTER 18 “BUSINESSES”, OF THE CITY OF WALLED LAKE CODE OF ORDINANCES ARTICLE XII “RECREATIONAL MARIJUANA ESTABLISHMENTS” TO REGULATE AND REQUIRE LOCAL LICENSING OF RECREATIONAL MARIJUANA BUSINESSES AND ESTABLISHMENTS WITHIN THE CITY AS PROVIDED BY STATE LAW

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve second reading C-353-20 an ordinance to amend Chapter 18 “Businesses”, of the City of

Walled Lake Code of Ordinances Article XII “Recreational Marijuana Establishments” to regulate and require local licensing of recreational marijuana businesses and establishments within the city as provided by state law.

Roll Call Vote

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

NEW BUSINESS:

1. Traffic Control Order 20-02 Parking Downtown – E. Walled Lake Drive

Police Chief Shakinas said the last year and a half, parking downtown has been problematic and then even more so with the COVID-19 pandemic. Police Chief Shakinas said research was done and the original order was from the 70’s. It prescribed a one-hour parking period for downtown, which contrasts the signs that have already been there for 19 years that are 30 minutes. Chief Shakinas explained whether or not the signs have been there 40 years or 4 years he is issuing a new traffic order and is asking for council’s approval that will be forced among all the businesses for their employees and patrons. Chief Shakinas explained this traffic order will also include Barrels of Wine on the opposite side of the road.

CM 7-14-20 MOTION TO APPROVE TRAFFIC CONTROL ORDER 20-02 THIRTY (30) MINUTE PARKING ON E. WALLED LAKE DRIVE BETWEEN LIBERTY AND N. PONTIAC TRAIL

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve Traffic Control Order 20-02 Thirty (30) minute parking on E. Walled Lake Drive between Liberty and N. Pontiac Trail.

Discussion

Council Member Costanzo asked if the enforcement of the thirty (30) minute parking has been enforced within the last 30 days, and if so, how many tickets have been written in that particular area. Chief Shakinas said the order was issued July 16th there was one enforcement given since its inception.

Council Member Costanzo said it was understood parking was always thirty (30) minutes. He asked why now it is being enforced.

City Manager Whitt explained enforcement has to do with compliance not trying to catch people illegally parking. City Manager Whitt said what brought more attention to downtown is when curb side pickup kicked in because of the pandemic and Mr. Millen of the Greenhouse was astute

enough to notice and put up his own signs to utilize so he could service his customers. City Manager Whitt said this was not wrong or inappropriate, the city gets a lot of complaints as if it were some type of violation. City Manager Whitt said once complaints started coming in he ordered Green House to take the signs down and Greenhouse promptly complied. City Manager Whitt said now the people making the complaints are the very same people who refused to comply with ordinances.

Roll Call Vote

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

2. First Reading C-354-50 Amendment to Chapter 51, Article 21, Section 21.49 Residential Design Standards

City Attorney Vanerian explained this ordinance originated from the Planning Commission and seeks to establish residential design standards to create requirements in terms of aesthetics for how houses are built in certain residential zoning districts. Attorney Vanerian said the public hearing was already held with the Planning Commission and it is before council for first reading. He said the ordinance does not apply to mobile home parks but to all other single-family residential districts in the city. City Attorney Vanerian said the city already has sewer and water connection requirements for when connections are required or not. He explained the water connection requirements, if there is an alteration or addition to a home that is being served by a well, this ordinance requires them to abandon the well and connect to the municipal system. Attorney Vanerian said under the current ordinance the required connection only pertains to new construction.

CM 7-15-20 MOTION TO APPROVE FIRST READING C-354-20 AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", OF THE CITY OF WALLED LAKE ZONING ORDINANCE, TO AMEND ARTICLE 2.00, SECTION 2.02 "DEFINITIONS", AND ADOPTING A NEW SECTION 21.52 "RESIDENTIAL DESIGN STANDARDS"

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve first reading C-354-20 an ordinance to amend Chapter 51, "Zoning", of Title V, "Zoning and Planning", of the City of Walled Lake Zoning Ordinance, to amend Article 2.00, Section 2.02 "Definitions", and adopting a new Section 21.52 "Residential Design Standards.

Discussion

Council Member Lublin asked what the purpose was, where was the city having problems for the thought to draft such an ordinance.

Council Member Owsinek explained the ordinance was spear headed by the Planning Commission and what he understood was that it was to ensure homes were in continuity.

City Manager Whitt explained there are prefabricated homes, constructed off site and brought onto a site for new home. City Manager Whitt said there was a concern that maybe these types of designs were inferior, modular, or prefab homes. Mr. Whitt explained it was to distinguish them from mobile homes on a trailer.

Council Member Costanzo said his concern is on page 97 of packet, item number 13, where it is compatible with other dwellings. He said the ordinance states that new dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity within 500 feet of each other. Council Member Costanzo said along the lake there are many different types of structures within the distance and what this section calls for is that one person will decide what is compatible. Council Member Costanzo said he is not comfortable with this.

Council Member Lublin said he supports first reading, this is not for mobile homes, this is more for modular homes and to ensure an undesirable home is not placed next to someone's home.

Mayor Ackley said she would like to discuss further and have first reading. Mayor Ackley said there are some areas she has further questions and would like opportunity to bring back before council.

Roll Call Vote

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

3. First Reading C-355-20 Amendment to Chapter 70 Adopting Article V Parking on City Right of Way and City Property

CM 7-16-20 MOTION TO APPROVE FIRST READING C-355-20 AN ORDINANCE TO AMEND CHAPTER 70, "STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY", BY ADOPTING A NEW ARTICLE V, ESTABLISHING "PARKING ON CITY PROPERTY" OF THE CITY OF WALLED LAKE CODE OF ORDINANCES; AUTHORIZING THE ADMINISTRATION OF THE CITY MANAGER TO ENFORCE PARKING ON MUNICIPAL PROPERTY

Motion by Ambrose, seconded by Woods, UNANIMOUSLY CARRIED: To approve first reading C-355-20 an ordinance to amend Chapter 70, "Streets, sidewalks and other public property", by adopting a new Article V, establishing "Parking on City Property" of

the City of Walled Lake Code of Ordinances; authorizing the administration of the City Manager to enforce parking on municipal property.

Discussion

City Manager Whitt explained this ordinance was drafted for several reasons, one being the discussions by the Parks and Recreation Commission. Mr. Whitt said the depot parking lot has been used by the neighboring businesses as their own parking lot. City Manager Whitt said Trailway Management Council Chairman Dave Scott presumed to enforce parking in Walled Lake and removed signs and further proceeded to order city businesses to not park there. City Manager Whitt said it was also found that neighboring businesses were using the lot as their own parking lot.

City Manager Whitt explained the airline trail is a linear park in Walled Lake and the depot lot is parking for the park. City Manager Whitt said another example is at Riley Park, which was taken over during the pandemic by a number of people. City Manager Whitt explained parking at city hall also needs to be reviewed. City Manager Whitt said there was a neighboring business owner parking his private car at city hall while he is out of town and the city hall lot was recently resealed, and this owner did not move their car even after being noticed to, so the company had to seal around the parked car. City Manager Whitt said neighboring businesses have plenty of space on their own property to provide parking for their employees, but they take advantage of the city hall parking for their employees. City Manager Whitt opined that parking needs to be regulated. City Manager Whitt explained this is the beginning of regulating the city's facilities in a way that has not been needed before.

Council Member Lublin said he is torn, he said he prefers a good neighbor approach. He asked if there are issues with the trail parking that led to this. He explained he is opposed to any overnight parking. He said the lot can be monitored and if the local businesses are using the lots but not overtaking then use can be permitted.

Mayor Pro Ambrose said part of that discussion came from the Parks and Recreation Commission where the adjoining businesses alongside the airline trail parking lot were utilizing the whole side of the depot parking lot. He said at one point there were 18 vehicles parked there only making it easier for their employees to walk into the building as opposed to parking in their own lots.

Council Member Costanzo said Section 70-222, page 99, outlines what sections cover city hall, police department, fire station, library, public works, and airline trail. He explained the ordinance does not include public parks; this is contradictory.

Council Member Woods said it is covered under Section 70-225 item 5, on page 101 of the packet.

Mayor Pro Tem Ambrose explained the parks are left out, property owners are responsible for supplying their own parking.

City Manager Whitt explained the trail was acquired and the city made the trail a liner park. He said the city cannot have the neighboring businesses using that parking lot and taking advantage. City Manager said the depot site was always about providing parking for the trail users, this ordinance is for enforcing neighboring business to use their own parking for their employees. City Manager Whitt explained the ordinance can be finessed, the intent is not to prohibit use it is intended to protect parks and city property. Mr. Whitt said the citizens brought this to the Parks and Recreation Commission and Council. Manager Whitt explained this will fall under enforcement, it will give the officers the jurisdiction to review the cars parked there. Manager Whitt opined if it is not regulated then we will have dump trucks parking there, overnight parking, etc.

Council Member Costanzo said he would like it to say all city parks.

Mayor Ackley said she would agree if the parks were in the business district. She said the city parks are not anywhere near businesses except the trailway.

Roll Call Vote

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

COUNCIL COMMENTS:

Council Member Lublin said he is appalled by the defunding police talk throughout the country. He said he supports the Walled Lake Police Department and thanked them for their services. He thanked business owner Mr. Millen for his contributions to the city.

Council Member Woods said with the recent water main break on Decker Road, city personnel and the Public Safety department did an outstanding job. He said he is receiving a lot of good feedback and pictures of the successful farmer's market and thanked Hana Jaquays for operating it. He said he went through a walk through on July 10th with Fire Chief Coomer, spent about four hours and reviewed the equipment, all the required certifications, all the training his team does, how a call is handled and mutual aid operations. He said it was very impressive and job well-done.

Council Member Owsinek thanked the public safety department especially police and fire's outstanding job.

Council Member Costanzo said he has concerns about the public safety expansion with engineering fees when we have a significant revenue decline due to COVID-19. Council Member Costanzo said he urges the city attorney to review this proposed work to see if it falls into what is a permissible use of forfeiture funds.

Mayor Pro Tem Ambrose concurred with Council Member Lublin comments in regard to support for our police department. Mayor Pro Tem Ambrose thanked all the businesses who paid for the full-page ad for the thank you to city staff. Mayor Pro Tem Ambrose said he appreciates all the efforts that everybody is making and their dedication to the city.

MAYOR'S REPORT

Mayor Ackley commended the police, fire, DPW and city staff. She said they have been great throughout the COVID-19 pandemic. Mayor Ackley said she is only receiving positive comments on the farmer's market and added many of the Farmer Market vendors are committed to other events on Saturdays, so the city Wednesday is working, and they are doing a great job.

AUDIENCE PARTICIPATION:

Stephanie Arnold said she wanted to address how Mr. Whitt likes to state his opinion. She said the protest that went on E. Walled Lake Drive was not to defund the Walled Lake police. She said it was against the Green House and their parking signs they had on E. Walled Lake drive.

Jerry Millen, 103 E Walled Lake Drive – said he wanted to discuss the topic of transparency, specifically councilman Costanzo and his lack transparency. He said councilman Costanzo should answer a few questions that many people would like answered such as when, where and what was discussed at secret meetings with owners of companies that are suing the city he is supposed to be protecting. Mr. Millen said it is unethical and not transparent to have these meetings and not report back to the citizens of Walled Lake and asked what councilman Costanzo is hiding. Mr. Millen said councilman Costanzo wants to keep the airline trail separate in the parking ordinance because the said businesses councilman Costanzo has met with primarily use the airline trail parking for their employees to park. Mr. Millen said councilman Costanzo would like to get rid of the police department, so much so he participates in protests. Mr. Millen asked why councilman Costanzo was there and suggested maybe it was because his wife who works for Township Supervisor David Scott, who has no problem expressing his feelings about taking over Walled Lake. Mr. Millen said councilman Costanzo is friends with David Scott who was recently not transparent about his campaign finances and thus was not able to be on a ballot for the supervisor position and now he is running as a write in. Mr. Millen said Mr. Costanzo is not transparent when it comes to politics or campaign finances. Mr. Millen said Mr. Costanzo preaches transparency but why is he friends with people who have apparent lack of transparency. Mr. Millen said Mr. Costanzo is opposed to a training facility for fire fighters and claimed to have called the Department of Justice to ask if proposal was legal. Mr. Millen asked Mr. Costanzo to provide who he spoke with and hopes he did not lie to the public in telling them he called. Mr. Millen said Mr. Costanzo preaches transparency but is the least transparent on the city council.

Cathy Fitzgerald – asked if Riley Park or the Airline Trailway were excluded from the parking ordinance, it was unclear during the discussions.

Neal Wolfson – said he is on the Public Safety Campus Committee and was provided documentation explaining what forfeiture funds may be used for. Mr. Wolfson questioned where Council Member Costanzo is getting his information about utilizing forfeiture funds stating that Council Member Costanzo’s statements about the use of forfeiture funds it is not correct.

Mital Amin, 415 E Walled Lake – said she is concerned with the activities on the beach concerning smoking and clearly intoxicated people. She said in the past there was a police car that patrolled at the beach and she has not seen one recently. She asked what is going to be done about social distancing. She said at other beaches there are stakes and areas roped off to promote social distancing.

Brian O’Leary, resident – said he lives on Market and Witherall and the beach area is crazy. He said he is concerned that emergency vehicles would not be able to get downtown. He said the amount of litter is high every day at his house, people are carefree with garbage. He said there were three incidents yesterday for fights, the sheer number of people is huge at the beach. He said it would be great to have a police car stationed there.

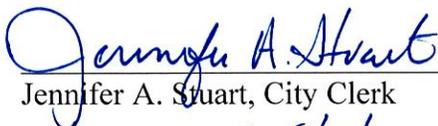
Karen Kolke, 179 Spring Park asked if the beach could be closed down. She said Walled Lake citizens cannot use the beach.

Jeffrey Sesi, 426 E Walled Lake Drive – said the crowd this year at the beach is smoking pot, shooting dice and gambling, and literally laying their clothes over our fence to dry every day. He said being next to the beach there are things to adjust to but there comes a point when barbeque grills are right next to our fence, people screaming, and smelling weed throughout the day is concerning.

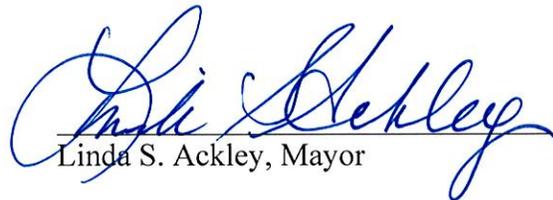
Mayor Ackley explained audience participation is not a time for question and answer however, comments from the audience are being heard by council, city manager, and city staff. She thanked everyone for voicing their concerns.

ADJOURNMENT

Meeting adjourned at 9:43 p.m.



Jennifer A. Stuart, City Clerk
approved 8/18/20



Linda S. Ackley, Mayor