



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
(ELECTRONIC MEETING PLATFORM)
TUESDAY, JUNE 16, 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

CM 6-1-20 MOTION TO EXCUSE COUNCIL MEMBER LOCH FROM TONIGHT'S MEETING

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

REQUESTS FOR AGENDA CHANGES:

None

APPROVAL OF THE MINUTES:

1. Regular Council Meeting and Public Hearing May 19, 2020

CM 6-2-20 MOTION TO APPROVE THE REGULAR COUNCIL MEETING AND PUBLIC HEARING MINUTES OF MAY 19, 2020

Motion by Ambrose, seconded by Woods, CARRIED: To approve the Regular Council Meeting and Public Hearing minutes of May 19, 2020.

Roll Call Vote

Ayes (5)	Lublin, Owsinek, Woods, Ambrose, Ackley
Nays (1)	Costanzo
Absent (1)	Loch
Abstention (0)	

COUNCIL REPORT:

Council Member Owsinek said he was providing the final trailway representative report. Council Member Owsinek thanked council for supporting him in the role as representative. Council Member Owsinek said there was a trail meeting held in June via zoom conference and

upon opening of the meeting he informed the trailway council he was not able to vote as the city had formally withdrew from the Trail Management Council. Mr. Owsinek reported that when it was time for audience participation at the Trail Management Council zoom meeting, Council Member Costanzo stated that the City of Walled Lake should have never removed itself from the Trail Management Council. Council Member Owsinek said Council Member Costanzo apologized for the City of Walled Lake the vote of the City Council for opting out of the Trail Management Council and that the Walled Lake Council should have utilized taxpayer dollars to support Commerce Township. Council Member Owsinek said he listened to Council Member Costanzo's diatribe; a rehash of what Costanzo had already said multiple times. Council Member Owsinek said that Trail Management Council members spoke at length about the City of Walled Lake opting out of the Trail Management Council.

Mayor Pro Tem Ambrose said there was a DDA meeting and discussion on storm drainage systems and that the bids came back way to high. Mayor Pro Tem Ambrose said further studies will continue so that a more cost-effective approach can be obtained. Mayor Pro Tem Ambrose said there was discussion on the public safety campus expansion and those bids also came back extremely high. He explained based on that, city administration was reviewing breaking the project down into phases. Mr. Ambrose said it was also brought to the DDA's attention through the Parks and Recreation Commission discussions, the depot parking lot was being used by several businesses in the area for their businesses' parking. Mr. Ambrose said the Banks Dolbeer/Foster Farmhouse was discussed and painting of the exterior would be taking place and the board instructed the city manager to seek bids. However, during that conversation, local business owner, Mr. Jerry Millen offered to fund the painting of the historic home.

CITY MANAGER REPORT:

1. Departmental / Divisional Statistical Reports

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

CM 6-3-20 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.

Roll Call Vote

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

City Manager Whitt said at the DDA meeting discussion was held on the rehabilitation of Riley Park which had fallen into disrepair in the recent months including the Banks Dolbeer/Foster Farmhouse which is situated in the park. Manager Whitt explained the responsibility for the rehabilitation of the farmhouse was transferred to the City. Manager Whitt said there has been movement to clean it up starting with patching, repair and striping of the parking lot. Mr. Whitt explained as of today there was power washing being done on the structure preparing it for painting with the funding being provided from generous local business owner, Jerry Millen owner of the Greenhouse. Manager Whitt said once the outside is cleaned up then the move will be to address the inside and try to get the facility functional as a city building to utilize as the city council or DDA prefers. Manager Whitt explained there is activity in the downtown area, Consumer's Energy is laying new piping from Liberty to Hillcroft. Manager Whitt said he gave orders for Greenhouse to remove the placement signs they had up with no push back from the business owner. Manager Whitt said there is continuous violations of downtown parking and it is being monitored. Mr. Whitt said the violators are not those of Greenhouse but others business owners. Manager Whitt said the Parks and Recreation Commission discussed parking issues, as well, not just in the downtown or Riley Park but the former depot area as well. Mr. Whitt said there are parking issues even at the public safety campus. Mr. Whitt said the public safety campus parking was recently recoated and restriped for maintenance, however, neighboring businesses employees ignore the rules and activity within the public safety campus parking lot and left their vehicle parked anyway when instruction was given to have all vehicles removed from parking lot. Mr. Whitt said you can see where the car remained parked during maintenance efforts. Manager Whitt said there is a need for regulation of parking in all city facilities.

Manager Whitt explained we are looking to open the doors at city hall as soon as practical, an incompliance with the governor's orders.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

City Attorney Vanerian explained the Coeus vs. City of Walled Lake still held a minor claim seeking refund of \$750 application fee and injunctive relief. However, a recent court was entered late last week that dismissed those final claims and now all of the claims are dismissed in their entirety. Attorney Vanerian explained the city will be filing a motion seeking sanctions and attorney fees for filing a frivolous lawsuit.

City Attorney Vanerian said an appeal hearing regarding a denial of provisioning center application submitted by Pincanna, LLC was scheduled for June, the applicant requested a later date. Attorney Vanerian explained he expects another appeal to be filed by a safety compliance applicant located with 500 feet of a nearby provisioning center. City Attorney Vanerian said he recommends hearing both appeals on the same date however it is up to council.

City Council discussed various dates for appeal hearings.

**CM 6-4-20 TO SCHEDULE SPECIAL MEETING / PUBLIC HEARING
FOR JULY 22, 2020 AT 7:30 P.M. FOR APPEAL
APPLICANTS**

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To schedule special meeting / public hearing for July 22, 2020 at 7:30 p.m. for appeal applicants.

Roll Call Vote

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

City Attorney Vanerian said he would provide notice to the applicants.

1. Update of City Marijuana Facility Ordinances

City Attorney Vanerian explained the city adopted three primary ordinances that regulate marijuana facilities and establishments within the city. Attorney Vanerian said that occurred three years ago and as a result of that because these ordinances were adopted at different times over the three-year period there are some differences between them. Attorney Vanerian explained these amendments seek to create consistency and uniformity in the provisions across the board for all three ordinances and there has also been changes to state law and state licensing procedures as well. City Attorney Vanerian said the real substantive change these ordinance amendments are proposing concerns the 500-foot setback requirement from a marijuana facility and a provisioning center. He said this requirement based on the city's experience to date appears to be well-rounded and a needed requirement as applied to the provisioning centers themselves. He said there have been a lot of complaints from area businesses and neighborhoods concerning heavy traffic, customer vehicle traffic and stress on area parking. He said this requirement seems to be a good idea if applied to those facilities, provisioning centers. However, the 500-foot separation requirement has proven to be problematic for other facilities not open to the public such as safety compliance facilities. He said public safety facilities are closed to the public and they have negligible impact on area traffic and parking and therefore it creates an unreasonable hardship and burden on them to meet the 500-foot setback requirement. Attorney Vanerian explained the way the ordinance currently exists requires a marijuana facility which includes all the different types of facilities; grower, processor, safety compliance to be set back 500 feet from a provisioning center. However, if a provisioning center wanted to locate within 500 feet of a safety compliance or processor the current ordinance would not prevent that from happening.

City Attorney Vanerian explained if council were to approve first reading tonight, the ordinance would have to go before the Planning Commission for public hearing and then back to council for second reading.

Mayor Ackley clarified this amendment refers to safety compliance centers not growing or transportation. City Attorney Vanerian said the amendment would retain the 500-foot setback requirement from schools and the 500-foot separation requirements between facilities open to the public. He said the facilities not open to public would be able to be within 500 feet of public provisioning center.

Mayor Ackley asked if the zoning restrictions would change.

City Attorney Vanerian said no the zoning still applies.

Council Member Lublin said this does not change the zoning or quantity in the zoning district, it allows those not open to the public to be within 500 feet of a public provisioning center.

UNFINISHED BUSINESS:

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

CM 6-5-20 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 (L) AS PROVIDED BY THIS ORDINANCE

Motion by Owsinek, seconded by Ambrose:

Discussion

Council Member Costanzo explained the ordinance allows upon written request an extension of expiration date, the City Manager or designee can approve. Council Member Costanzo asked for consistency, have a set time frame in writing with a specific number of days for the extension versus an arbitrary decision so that it is documented in the ordinance itself what the extension would be and it would be the same for everybody.

Mayor Pro Tem Ambrose requested more definition on language reading "work to begin". He asked if a silt fence installation means work has begun on the site or if they put up a coming soon

sign as opposed to digging and putting in underground structures. He asked to what degree do we consider work has begun.

City Attorney Vanerian explained that determination is made under the building code for any building permit by the Building Official.

Mayor Ackley asked if this was the same time limit as any other permit. She asked why the language was different for the marijuana provisioning site plan approval.

City Attorney Vanerian explained if the site plan was administratively approved then it would be extended administratively as well. However, if approved by the Planning Commission then it would typically come back before the Planning Commission.

Mayor Ackley asked why is it not going back before the Planning Commission then.

City Attorney Vanerian explained it is more efficient this way, if council prefers or would be more comfortable having it go back before the Planning Commission for an extension, council can make that change.

Mayor Ackley explained if we are trying to be consistent, then we need to make all site plans allowed to be extended the city manager or designee.

Mayor Pro Tem Ambrose suggested applicants going back before the board that approved them initially.

Council Member Costanzo moved to amend language to state Planning Commission, in order to be consistent with existing ordinances. There was not a second to the motion.

Council Member Lublin said he is not comfortable making motion at this time and wanted to table.

City Attorney Vanerian said he will prepare language for the July meeting.

Council Member Costanzo withdrew his motion.

CM 6-6-20 MOTION TO TABLE SECOND READING OF C-349-20 TO NEXT MEETING

Motion by Owsinek, seconded by Ambrose: UNANIMOUSLY CARRIED: To table second reading of C-349-20 to next meeting.

Roll Call Vote

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

NEW BUSINESS:

**1. First Reading C-351-20 Amendment to Chapter 51 21.50 Subsection (e) 7
Separation Requirements**

**CM 6-7-20 TO APPROVE FIRST READING C-351-20 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" TO
MODIFY THE FIVE HUNDRED FT. SEPARATION
REQUIREMENT SET FORTH IN SUBSECTION (E)7**

Motion by Owsinek, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve first reading C-351-20 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" to modify the five hundred foot separation requirement set forth in subsection (e)7.

Roll Call Vote

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

**2. First Reading C-352-20 Amendment to Chapter 18 Businesses – Medical Marijuana
Facilities**

**CM 6-8-20 TO APPROVE FIRST READING 352-20 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 Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve first reading C-352-20 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) Lublin, Owsinek, Woods, Ambrose, Costanzo, Ackley
Nays (0)
Absent (1) Loch
Abstention (0)

3. First Reading C-353-20 Amendment to Chapter 18 Businesses – Recreational Marijuana Establishments

CM 6-9-20 TO APPROVE FIRST READING 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 OR RECREATIONAL MARIJUANA BUSINESSES AND ESTABLISHMENTS WITH THE CITY OF WALLED LAKE AS PROVIDED BY STATE LAW

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve first 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)

4. Proposed Resolution 2020-23 Lakes Area Youth Assistance Agreement Fiscal Year 2021

CM 6-10-20 TO APPROVE RESOLUTION 2020-23 A RESOLUTION APPROVING THE AGREEMENT WITH LAKES AREA YOUTH ASSISTANCE AGENCY FOR SERVICES PROVIDED JULY 2020 THROUGH JUNE 2021

Motion by Lublin, seconded by Woods, UNANIMOUSLY CARRIED: To approve resolution 2020-23 a resolution approving the agreement with Lakes Area Youth Assistance Agency for services provided July 2020 through June 2021.

Discussion

Council Member Costanzo explained he is a voting member of the board and asked the city attorney if there is any violation in him voting on the resolution.

City Attorney Vanerian said this is non-profit organization but recommended to error on the side of caution and abstain.

Roll Call Vote

Ayes (5)	Owsinek, Woods, Ambrose, Lublin, Ackley
Nays (0)	
Absent (1)	Loch
Abstention (1)	Costanzo

COUNCIL COMMENTS:

Council Member Owsinek explained as a council we need to come up with something to address our parking issues, signage that limits who can park where and how long for areas such as Riley Park, City Hall, or any other parks and establishment in front of Walled Lake Drive that suitable for everyone.

Mayor Ackley suggested forming a committee to review and appointed Council Member Owsinek, Council Member Lublin, City Manager/Public Safety Director Whitt and or his designee and Police Chief Shakinias.

CM 6-11-20 TO APPROVE MAYOR'S APPOINTMENT OF COUNCIL MEMBER OWSINEK, COUNCIL MEMBER LUBLIN, CITY MANAGER / PUBLIC SAFETY DIRECTOR WHITT AND OR HIS DESIGNEE AND POLICE CHIEF SHAKINAS AS A COMMITTEE TO REVIEW CITY PARKING

Motion by Owsinek, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve Mayor's appointment of Council Member Owsinek, Council Member Lublin, City Manager/Public Safety Director Whitt and or his designee and Police Chief Shakinias as a committee to review city parking.

Roll Call Vote

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

City Manager Whitt explained there will be a draft ordinance for next council meeting.

Council Member Lublin thanked all the city employees for a job well-done during these times. Council Member Lublin commended DPW Team Lead Dan Ladd and the public works department for cleaning improvements to city parks stating that the city as a whole is working together and doing a fine job.

Council Member Costanzo welcomed back all the Walled Lake businesses and organizations post COVID-19 era stating he encouraged all of Walled Lake to shop local and support small local business.

Council Member Woods echoed Council Member Lublin and thanked the DPW and Mr. Ladd on their excellent work. Council Member Woods also thanked Chief Shakinas and Captain Kolke for their open discussion with recent protest that had gone through Walled Lake and their efforts in helping people understand both sides of issues.

Mayor Pro Tem Ambrose thanked staff and all the businesses and personnel and all city staff working together through this.

MAYOR'S REPORT:

Mayor Ackley said it is important to support all the city's local businesses. Mayor Ackley thanked the city departments for their efforts. Mayor Ackley opined that the council is fortunate to have City Manager Whitt, who during his career, has gained experience in managing during statewide emergencies like this pandemic and his experience has help the city as we move forward. Mayor Ackley opined that the city's police and fire have done a fantastic job during this emergency and the DPW has performed as well.

AUDIENCE PARTICIPATION:

Seth Tomkins, attorney who works for Iron Laboratories, a marijuana safety compliance facility currently operating in the city. He said he and his client support the change in the ordinance that would remove the 500 foot barrier from non-public facilities.

Neal Wolfson, – explained his support of what Mayor Ackley said about City Manager Whitt, City Council, police, fire, and city staff job well done.

Jerry Millen, Green House – commended the police and fire departments on their outstanding job during the COVID emergency. Mr. Millen said Council Member Costanzo is opportunistic and seeks photo opportunities whenever the chance present itself. Mr. Millen said if we look back when Gabe Costanzo was running for office, Costanzo wanted to get rid of the Walled Lake Police and Fire Departments. Mr. Millen said once Costanzo realized this is not what voters wanted he changed his tune. Mr. Millen said Member Costanzo is opportunistic, stating as an example, that while riding in a Memorial Day parade, Costanzo acted as if he served in the military. Mr. Millen explained to Council Member Costanzo that acting as if he had served in the military when he did not is called stolen valor.

Mr. Millen said whenever there is an event for police or fire, the first in line for a photo opportunity is Council Member Costanzo. Mr. Millen said Council Member Costanzo pretends like he supports Walled Lake police and fire departments, but this past weekend Mr. Costanzo attended a protest to “defund the Walled Lake Police department.” Mr. Millen said Council Member Costanzo attended the protest to defund police with a person who was arrested by Walled Lake Police for indecent exposure in our historic downtown district. Mr. Millen said this is public knowledge and everyone should look it up. Mr. Millen said Council Member Costanzo should be ashamed of himself for attending the protest to defund the Walled Lake Police with a person who was arrested by the Walled Lake Police department for indecent exposure.

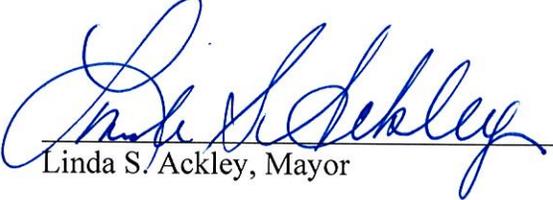
Debra Martin – said Mr. Millen needs to get his facts straight. Ms. Martin said the arrest for indecent exposure was of a very well-known citizen that has been in Walled Lake his whole life along with his family. Ms. Martin said the crack of his butt was showing like everyone has a plumber’s crack. Ms. Martin said Mr. Millen needs to get it straight and not make Council Member Costanzo look like a pervert.

ADJOURNMENT

Meeting adjourned at 8:39 p.m.



Jennifer A. Stewart, City Clerk
Approved 7-21-20



Linda S. Ackley, Mayor