



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING**

**AND
PUBLIC HEARING
TUESDAY, JUNE 19, 2018
7:30 P.M.**

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

Pledge of Allegiance led by Mayor Ackley.

Invocation led by Mayor Pro Tem Owsinek.

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

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

OTHERS PRESENT: City Manager Whitt, Assistant City Manager Pesta, Police Chief Shakinias, Fire Chief Coomer, Finance Director Coogan, Treasurer Barlass, City Attorney Vanerian, and City Clerk Stuart

**CM 6-1-18 MOTION TO EXCUSE COUNCIL MEMBER LOCH FROM
TONIGHT'S MEETING**

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

CEREMONIAL OATH OF OFFICE PRESENTATION

1. Oath of Office administered to new Reserve Police Officer Richard LeBlanc

Ceremonial oath of office provided by City Clerk Stuart.

PUBLIC HEARING

1. 2019 Fiscal Year Budget Appropriations

Open Public Hearing 7:35 p.m.

Ryan Woods, 111 Chestnut Ridge – suggested the budget posted online and explained that there are a lot of checks and appropriations for internet and phone service and he suggested bundling services for cost savings. Mr. Woods also questioned the DTE payments and explained LED lighting is more cost effective.

Close Public Hearing 7:39 p.m.

2. Proposed Resolution 2018-27 General Appropriations Act Fiscal Year 2019

City Manager Whitt explained the budget information is online and the annual budget has been proposed without a millage increase request from City Council. Manager Whitt said staff member are visiting continual cost saving avenues as pointed out in the public hearing.

CM 6-2-18 TO APPROVE RESOLUTION 2018-27 A RESOLUTION ADOPTING THE OPERATING AND CAPITAL BUDGET APPROPRIATIONS OF FUNDS AND LEVY OF TAXES FOR FISCAL YEAR JULY 1, 2018 – JUNE 30, 2019

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: To approve resolution 2018-27 a resolution adopting the operating and capital budget appropriations of funds and levy of taxes for fiscal year July 1, 2018 – June 30, 2018.

Roll Call Vote

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

REQUESTS FOR AGENDA CHANGES:

Finance Director Coogan submitted a covering resolution for agenda item #4 of the City Manager's Report pertaining to the Cost Participation Agreement for the Michigan Air Line Trail MDOT Transportation Alternatives Agreement.

APPROVAL OF THE MINUTES:

1. Regular Council and Public Hearing Meeting Minutes of May 15, 2018

CM 6-3-18 TO APPROVE THE MAY 15, 2018 REGULAR COUNCIL AND PUBLIC HEARING MEETING MINUTES

Motion by Ambrose, seconded by Lublin, MOTION CARRIED: To approve the May 15, 2018 Regular Council and Public Hearing Meeting Minutes.

Discussion

Council Member Costanzo expressed the council minutes on page 16 do not reflect what he was meaning to express concerning the filling in of the ditch along Maple Road.

Council Member Costanzo made motion to amend page 16 of the May 15, 2018 minutes to reflect his intent, Council Member Costanzo's motion failed due to lack of a second.

Roll Call Vote

Yes (5)	Lublin, Owsinek, Robertson, Ambrose, Ackley
No (1)	Costanzo
Absent (1)	Loch
Abstain (0)	

(5-1) MOTION CARRIED

AUDIENCE PARTICIPATION:

Cheryl Flammer –3557 Clark Circle – explained she represents the Lakes Area Community Area Foundation and Banks Dolbeer Foundation and invited the council to attend the Historical Society's open house on June 28, 2018. Ms. Flammer began a diatribe about the City Manager's inattention to the Banks Dolbeer the Foundation.

Ben Thorsen, 759 E. Walled Lake Drive – explained he received the road closure for the fireworks show downtown and expressed his appreciation. Mr. Thorsen opined that there is a lack of no parking signs along the E. Walled Lake Drive. Mr. Thorsen explained a recent graduation party's parking caused traffic issues along E. Walled Lake Drive.

Mayor Ackley asked for the placement of the no parking sign along E. Walled Lake Drive to be reviewed.

Police Chief Shakinis explained there has been a no parking ordinance along E. Walled Lake Drive since 1973 and there are eight signs which are posted every two-hundred feet.

Mary Qualls, 717 Leon – explained the state statute of informing residents of a public hearing is a 15-day notice. Ms. Qualls explained she received the notice but there is no time to prepare for the meeting. Ms. Qualls explained her opposition to the Decker Road Planned Unit Development proposal.

Marilyn Boylan, 761 E. Walled Lake Drive – explained she wanted information on the City's boat ordinance. Mrs. Boylan complained that there is a house next to her that has several tenants and currently have four boats, and more are to come. Mrs. Boylan asked where she may obtain the boat ordinance information. Manager Whitt explained the boat stickers and ordinances are available at city hall. Mr. Whitt explained warning notices are being issued on watercrafts without a sticker requesting them to register the boat, but these warnings are not citations.

Steve Atwell, 902 N. Pontiac Trail – thanked council for their time and the revitalized interest in the local businesses.

Randy Champe, 1275 Leon Road – attended the meeting to explained that he did know of meeting tonight and agenda item to discuss the Decker Road Planned Unit Development

proposal. Mr. Champe expressed his opposition to the density of the development and concerns of losing the green space, and wild life. Mr. Champe explained the proposed homes do not fit within the subdivision.

Mayor Ackley asked the City Attorney for an explanation of public hearing notice requirements.

City Attorney Vanerian explained only one public hearing is required before the City Council to discuss taking final action for approval or denial of the Planned Unit Development (PUD). Attorney Vanerian explained Council may not vote on this item tonight it is only on the agenda as a discussion item. Attorney Vanerian further explained multiple public meetings have already been held before the Planning Commission on this proposal and there is no legal requirement for a public hearing notice every time this item is on the agenda for discussion. Attorney Vanerian stated the Planning Commission has met its requirements of holding the one required public hearing.

City Manager Whitt said City Council sets the public hearing date and will provide instruction how to move forward.

John Henehan, 1545 Leon – thanked Council for clarifying the Decker Road PUD agenda item is for discussion only and a vote is not being taken tonight. Mr. Henehan explained there are a lot of valid reasons to oppose the Decker Road Planned Unit Development proposal. Mr. Henehan asked why the East Bay Village project is not completed, there are huge drainage issues there and there will be additional water problems for the neighborhoods with this new proposed development.

COUNCIL REPORT:

Council Member Ambrose said the Banks Dolbeer Committee will be meeting the end of the month.

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

- a. Police**
- b. Fire**
- c. Code Enforcement**
- d. Finance**
 - Warrant Report #6-2018**
 - Investment Report March 2018**

CM 6-4-18 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS

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

Discussion

Council Costanzo explained he did not know what the difference was for Secrest, Wardle, Lynch consultant expense and attorney expense. Finance Director Coogan informed Council Member Costanzo that there is a monthly retainer of \$3,300 for city attorney office hours, and attendance at city meetings. In addition, Director Coogan informed Council Member Costanzo that Secrest Wardle is the law firm that addresses the City's tax tribunal, civil litigations, labor disputes, and general counsel concerns.

Roll Call Vote:

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

2. Discussion of Planned Unit Development (PUD) on Decker Road between Leon Road and Oak Grove Drive

City Manager Whitt explained if there are votes from Council to move this proposal forward, City Council will select a date, instruct the City Clerk to publish the public hearing, and instruct the City Attorney to prepare the template PUD agreement. Manager Whitt explained there were prior failure of PUD passages, for example applicant, Foremost, and their PUD proposal was rejected by the City Council, the resolution to deny that PUD was introduced by Council Member Tamra Loch. Manager Whitt explained that in that situation the PUD applicant was not willing to work with the City on requests for adjustments. Mr. Whitt explained the City has to address the rights of the property owners and developers and has to follow the process.

City Manager Whitt explained in order to move ahead with scheduling a public hearing for the Decker Road Planned Unit Development, the City Council needs to provide direction to administration.

CM 6-5-18 INSTRUCT CITY CLERK TO ADVERTISE A PUBLIC HEARING FOR THE DECKER ROAD PLANNED UNIT DEVELOPMENT FOR JULY 17, 2018 AT 7:30 P.M.

Motion by Owsinek, seconded by Costanzo, UNANIMOUSLY CARRIED: To instruct the City Clerk to advertise a public hearing for the Decker Road Planned Unit Development for July 17, 2018 at 7:30 p.m.

Roll Call Vote

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

CM 6-6-18 INSTRUCT THE CITY ATTORNEY TO DRAFT A TEMPLATE PLANNED UNIT DEVELOPMENT (PUD) AGREEMENT FOR THE PROPOSED DECKER ROAD DEVELOPMENT

Motion by Owsinek, seconded by Ambrose, UNANIMOUSLY CARRIED: To instruct the City Attorney to draft a template Planned Unit Development (PUD) agreement for the proposed Decker Road Development.

Roll Call Vote

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

CM 6-7-18 INSTRUCT THE CITY MANAGER TO CREATE PROPOSAL FOR INDEPENDENT INSPECTION CONSULTANT SERVICES FOR THE PROPOSED DECKER ROAD PLANNED UNIT DEVELOPMENT (PUD) IF APPROVED

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To instruct the city manager to create proposal for independent inspection consultant services for the Decker Road Planned Unit Development if approved.

Roll Call Vote

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

3. Cost Participation Agreement for the Michigan Air Line Trail MDOT Transportation Alternatives Program (TAP) Grant Local Match

Finance Director Coogan explained there is a shortfall of \$1.3 million not \$1.4 million as noted in the document and the resolution provided this evening addresses the error. Ms. Coogan explained the trailway council is short \$1.3 million dollars as part of the qualifications for the grant, however, the trailway council is actively seeking a donor. Ms. Coogan explained the City Council has already committed the \$420,000 to the trailway.

Ms. Coogan explained the draft Great-Lake-to-Lake Trail Memorandum of Understanding (MOU), item #4 of the agenda is another layer of authority over the trails and was designed for consistency amongst all the trails.

Mayor Pro Tem Owsinek explained this new form of government is being proposed as a “no cost to the tax payer again” and that the City will not have to contribute monetarily, however, if any

one of the authorized representatives of the Wixom, Walled Lake, Commerce Trailway Council signed the MOU there would be money required. Mr. Owsinek explained his opposition to the inter-local agreement and the fact that the depot building was included as part of the grant application as it was supposed to be. Mr. Owsinek explained the only way to address the lack of funding is to place a millage proposal to the public because the City does not have the funding.

Mayor Ackley explained the City is already obligated to providing the \$420,000 but asked about the remaining \$1.3 million. Finance Director Coogan said the grant is contingent upon funding the \$1.3 million and Wixom will not be paid until the grant is approved.

Mayor Ackley asked if all three trailway participants have to agree on the MOU. Finance Director Coogan explained the MOU is a voluntary agreement and it is the trailway council's decision to join or not.

Manager Whitt explained he had served as a trail representation for the city and has attended many prior trailway meetings and the trailway council acts independent and the participating communities do not have a say. Mr. Whitt explained as an example that at a prior trailway meeting, the trailway council voted for an engineering firm and with the stroke of a pen, the voted engineer selection was changed without a vote. Manager Whitt opined against another layer of government saying there are necessary sidewalks and infrastructure repairs needed within the City, but the city council is already committed to providing the \$420,000.

Council Member Ambrose asked what the time constraints were for placing on the November ballot to put the millage vote to the people.

City Clerk Stuart explained for the November 2018 election, ballot language is due July 31, 2018.

Council Member Costanzo explained his support of the trail and the benefits of a paved trail. Mr. Costanzo explained the City has the most mileage between the three communities of the trailway council. Mr. Costanzo stated that he knows of grants money available for the restoration of the depot building and getting the trail developed.

Council Member Lublin explained his extreme disappointment with the creeping financial requirements of the City for the no cost trail.

Mayor Ackley explained her support to put the vote before the residents of the community.

Mayor Pro Tem Owsinek agreed and expressed his support for a "divorce from the trailway council" and to address Walled Lake's portion of the trail independently.

Council Member Ambrose explained West Bloomfield self-funded their trail and that the crushed limestone was satisfactory and more cost-effective. Finance Director Coogan said the West Bloomfield attended the Wixom, Walled Lake, Commerce trailway meetings and urged the trailway council to consider the more affordable crushed limestone.

Manager Whitt explained that the discussion of the untouched depot building in the city will have to be addressed and opined the depot building had been included in the rehabilitation concept since conception of the no cost trail until it was arbitrarily removed without consent from Walled Lake officials.

Finance Director Coogan explained the trail and trailhead request for proposal (RFP) was written, the agreement with the donor, very categorially stated the parking lot trail head for Walled Lake was critical, during the grant applicant process, Wixom, excluded the trailhead with no communication with the City. Ms. Coogan explained it has been an uphill battle to get the trail head back into the application documents.

Mayor Ackley explained once the trail is complete, there is no agreement between the trail communities to address the maintenance of the depot building.

Mayor Pro Tem Owsinek explained once this grant is complete another grant would have to be available to fund the city's depot building. Mr. Owsinek opined that if the City divorced from the trail group, the monies are already earmarked to address the trail and that money can address the City's portion of the trail.

Mayor Ackley requested a West Bloomfield representative attend the next council meeting to explain the benefits of the cost-effective crushed limestone.

Council Member Lublin asked if the City does nothing is the \$420,000 still an obligation if the grant approval fails. Finance Director Coogan said there was already a resolution sent to MDOT agreeing to participate however, if the grant approval fails, the City is not obligated to the \$420,000. Mr. Lublin asked if the City divorces from the railway council, what financial obligations are there.

Ms. Coogan explained the design engineering perspective is almost complete. The City's engineer has been instrumental in designing the crossing and pushing it to be included within the grant.

City Attorney explained any party can remove themselves from the railway agreement the Council has a right to withdrawal. Mayor Pro Tem Owsinek explained according to the interlocal agreement with the other communities there would have to be a resolution adopted by city council to provide for a Walled Lake withdrawal.

Council Member Costanzo asked if there is a donor available for the \$1.3 million. Finance Director Coogan explained the railway council has been soliciting, there is an alleged unnamed donor, however, if money is not received, the grant will be rejected.

Council Member Costanzo explained he would prefer to wait for the response from the unnamed donor before the City takes action to remove itself from the railway council. Finance Director Coogan opined the railway has been waiting several months for a donor.

**CM 6-8-18 MOTION TO INSTRUCT THE CITY ATTORNEY TO PREPARE
A RESOLUTION FOR A TRAILWAY MILLAGE BALLOT
INITIATIVE FOR THE NOVEMBER 2018 BALLOT**

Motion by Ambrose, seconded by Robertson, UNANIMOUSLY CARRIED: To instruct city attorney to prepare a resolution for a trailway millage ballot initiative for the November 2018 ballot.

Roll Call

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

City Manager Whitt opined his support to place what funding was provided to the trail towards necessary City sidewalk repair and purchase of public safety equipment.

Manager Whitt asked Assistant City Manager Pesta to introduce the interns working at city hall. Ms. Pesta introduced, Hana Jaquays, Cheyenne Gonzalez, and Miranda Gross. Assistant Manager Pesta explained the interns are working on the city's beach party events and working on other new ideas and projects.

4. Great Lake-to-Lake Trails Management Council – Draft MOU

Discussion under item #3. There was no Council action on the draft MOU.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

- 1. Request for Closed Session to discuss Confidential Attorney Client Communications Janine Fienberg v City of Walled Lake pursuant to Section 8(e) of the Open Meetings Act**

**CM 6-9-18 MOTION TO ENTER INTO CLOSED SESSION TO DISCUSS
CONFIDENTIAL ATTORNEY CLIENT COMMUNICATIONS
JANINE FEINBERG V CITY OF WALLED LAKE PURSUANT TO
SECTION 8 (E) OF THE OPEN MEETINGS ACT (OMA)**

Motion by Robertson, seconded Ambrose, UNANIMOUSLY CARRIED: To enter into closed session to discuss pending labor litigation pursuant to Section 8(e) of the Open Meetings Act (OMA).

Roll Call Vote

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

UNFINISHED BUSINESS:

**1. Second Reading C-337-18 Amendment to Marijuana Facility Zoning Ordinance:
Appeal Process**

Mayor Ackley explained her agreement with placing the appeal process under the direction of the City Council as the Zoning Board of Appeals members are not elected nor have the members been involved with the conception or implementation of the medical marijuana ordinances.

CM 6-10-18 MOTION TO APPROVE SECOND READING C-337-18 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 21.49 "MARIJUANA FACILITIES" BY ADOPTING ADDITIONAL SUBSECTIONS AS PROVIDED BY THIS ORDINANCE

Motion by Robertson, seconded by Owsinek, MOTION CARRIED: To approve second reading C-337-18 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 21.49 "Marijuana Facilities" by adopting additional subsections as provided by this ordinance.

Discussion

Council Member Costanzo explained his disagreement with not placing this appeal process before the Zoning Board of Appeals. Mr. Costanzo opined this appeal process should be no different than any other appeal process. Council Member Costanzo explained that he did not know why the abstaining of a city council member. City Attorney Vanerian explained the ex-officio who sits on City Council and the Planning Commission has to abstain as required by state law. City Attorney Vanerian opined that City Council has been involved in the process since its conception and would be well suited to part of the appeal process.

Council Member Robertson called the vote to a question.

Roll Call Vote

Yes (5) Lublin, Owsinek, Robertson, Ambrose, Ackley
No (1) Costanzo
Absent (1) Loch
Abstain (0)

(5-1) MOTION CARRIED

**2. Second Reading C-338-18 Amendment to Zoning Ordinance Section 21.10
Mechanical Unit Location**

**CM 6-11-18 MOTION TO APPROVE SECOND READING C-338-18 AN
ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE
V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE
ZONING ORDINANCE, ARTICLE 21.00 "GENERAL
PROVISIONS", SECTION 21.10(A)(3) "NUISANCES" TO
PROVIDE FOR LOCATION OF MECHANICAL UNITS IN SIDE
YARDS IN RESIDENTIAL DISTRICTS**

Motion by Robertson, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve second reading C-338-18 an ordinance to amend Chapter 51, "Zoning", of Title V, "Zoning and Planning", the City of Walled Lake Zoning Ordinance, Article 21.00 "General Provisions", Section 21.10 (A)(3) "Nuisances" to provide for location of mechanical units in the side yards in residential districts.

Roll Call Vote

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

3. Stormwater Status Update – Area H

Finance Director Coogan explained the City Manager asked the city engineer for a written action plan of addressing Area H. Ms. Coogan explained she emailed the East Bay Village Association to schedule a meeting and no response, however, there is a meeting scheduled with the management company next week.

NEW BUSINESS:

1. Proposed Resolution 2018-28 Millage Request – L-4029

CM 6-12-18 MOTION TO APPROVE RESOLUTION 2018-28 A RESOLUTION FOR THE SUMMER 2018 MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS FOR THE ANNUAL TAX LEVY AND COLLECTION FOR THE CITY

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2018-28 a resolution for the summer 2018 millage request report to the County Board of Commissioners for the annual tax levy and collection of taxes for the City.

Roll Call Vote

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

2. Proposed Resolution 2018-29 Delinquent Water, Sewer, and Refuse

CM 6-13-18 MOTION TO APPROVE RESOLUTION 2018-29 A RESOLUTION OF THE CITY OF WALLED LAKE AUTHORIZING THE TRANSFER OF THE 2017 DELINQUENT WATER, SEWER, AND REFUSE RECEIVABLES TO THE 2018 JULY TAX ROLLS

Motion by Lublin, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve resolution 2018-29 a resolution of the City of Walled Lake authorizing the transfer of the 2017 delinquent water, sewer, and refuse receivables to the 2018 July tax rolls.

Roll Call Vote

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

3. Proposed Resolution 2018-30 Delinquent Property Transfer Affidavit

CM 6-14-18 MOTION TO APPROVE RESOLUTION 2018-30 A RESOLUTION FOR THE 2017 DELINQUENT PROPERTY TRANSFER AFFIDAVIT FEES TO BE PLACED ON THE 2018 JULY CITY OF WALLED LAKE TAX ROLL

Motion by Robertson, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve resolution 2018-30 a resolution for the 2017 delinquent property transfer affidavit fees to be placed on the 2018 July City of Walled Lake tax roll.

Roll Call Vote

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

4. Proposed Resolution 2018-31 Sidewalk Repair Glenwood Hills Subdivision

Finance Director Coogan explained the Glenwood Hills Subdivision is appreciative of City Council's cognizant efforts with the budget. Ms. Coogan explained there is a small reserve amount in the Local Roads funds available to work with Glenwood Hills to complete the necessary sidewalk repairs.

Manager Whitt explained Glenwood Hills reached out to the City and they are contributing funds in a partnership with the City for the sidewalk repair.

CM 6-15-18 MOTION TO APPROVE RESOLUTION 2018-31 A RESOLUTION APPROVING COST SHARING SIDEWALK REPAIR IN GLENWOOD HILLS SUBDIVISION

Motion by Ambrose, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve resolution 2018-31 a resolution approving cost sharing sidewalk repair in Glenwood Hills subdivision.

Roll Call Vote

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

5. Proposed Resolution 2018-32 Fiscal 2018 Year Budget Amendments

CM 6-16-18 MOTION TO APPROVE RESOLUTION 2018-32 A RESOLUTION AMENDING THE OPERATING AND CAPITAL BUDGET APPROPRIATIONS OF FUNDS FOR FISCAL YEAR 2017-2018

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2018-32 a resolution amending the operating and capital budget appropriations of funds for fiscal year 2017-2018.

Roll Call Vote

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

6. Request for Reconsideration of Rezoning Appeal on Vacant Lots Across from Mercer Beach from C-3 to R-1B

Danny Veri, applicant, explained they came before the Planning Commission with their proposal and it was forwarded to the City Council for review. Mr. Veri explained he is asking for a reconsideration of his proposal as the property has been vacant for many years.

Randy Thomas, realtor for lot, explained they have had this property listed for 4 to 5 years and there has been no interest. Mr. Thomas explained his support to rezone the site to develop single-family residential homes.

Mayor Ackley explained the City's downtown has struggled because there is not enough there to bring people in and taking away commercial properties decreases the potential even more. Mayor Ackley expressed her support to keep the properties zoned C-3, downtown district.

Council Member Ambrose agreed and explained what he had heard from community members and current business owners, they want to see more commercial development downtown not residential.

Council Member Costanzo also agreed and explained his opposition to rezoning as the proposal also goes against the Master Plan design.

Council Member Lublin explained his opposition to rezoning from C-3 to R-1B.

City Manager Whitt explained in his position he also serves on the Planning Commission and he voted no for the rezoning and agreed with Council Member Lublin that the economy is positive for development, the economy will drive this area. Manager Whitt also agreed with Council Member Ambrose, the business owners do not want it rezoned.

CM 6-17-18 MOTION TO DENY RECONSIDERATION REQUEST OF PRIOR COUNCIL MOTION FOR DENIAL OF REZONING OF VACANT LOTS ACROSS FROM MERCER BEACH FROM C-3 TO R-1B

Motion by Robertson, seconded by Costanzo, UNANIMOUSLY CARRIED: To deny reconsideration request of prior council motion for denial of rezoning of vacant lots across from Mercer Beach from C-3 to R-1B.

Roll Call Vote

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

7. First Reading C-339-18 Zoning Ordinance Amendment Regarding Expiration of Variances

CM 6-18-18 TO APPROVE FIRST READING OF C-339-18 AN ORDINANCE TO AMEND CHAPTER 51, "ZONING", OF TITLE V, "ZONING AND PLANNING", THE CITY OF WALLED LAKE ZONING ORDINANCE, ARTICLE 23.00 "ZONING BOARD OF APPEALS", SECTION 23.05 "DECISIONS BY THE ZONING BOARD OF APPEALS" TO ALIGN EXPIRATION OF VARIANCES WITH EXPIRATION OF SITE PLANS, COMMERCIAL PLANNED DEVELOPMENTS AND PLANNED UNIT DEVELOPMENTS

Motion by Owsinek, seconded by Costanzo, UNANIMOUSLY CARRIED: To approve first reading of C-339-18 an ordinance to amend Chapter 51, "Zoning", of Title V, "Zoning and Planning", the City of Walled Lake Zoning Ordinance, Article 23.00 "Zoning Board of Appeals", Section 23.05 "decisions by the zoning board of appeals" to align expiration of variances with expiration of site plans, commercial planned developments and planned unit developments.

Roll Call Vote

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

COUNCIL COMMENTS:

Council Member Robertson reminded everyone of the fireworks and beach party scheduled for June 23rd.

Council Member Costanzo explained he is receiving several complaints about the City's waste removal company, Green for Life and asked administration to review. Manager Whitt explained the staff is currently reviewing and information is being gathered. Manager Whitt explained there is a 30-day clause to cancel the contract.

Council Member Ambrose thanked the interns and staff for their efforts on the Beach Party.

MAYOR'S REPORT:

Mayor Ackley said the parade was great and thanked everyone for their efforts.

Meeting recessed 9:51 p.m.

Meeting reconvened 10:04 p.m.

Entered into Closed Session 10:05 p.m.

Rose from Closed Session 10:13 p.m.

**CM 6-19-18 MOTION TO APPROVE RECOMMENDATION OF THE CITY
ATTORNEY REGARDING JANINE FEINBERG V CITY OF
WALLED LAKE HUD COMPLAINT**

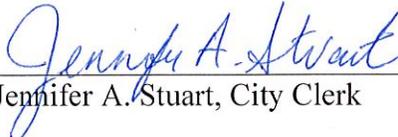
Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: To approve recommendation of the City Attorney regarding Janine Feinberg v City of Walled Lake HUD complaint.

Roll Call Vote:

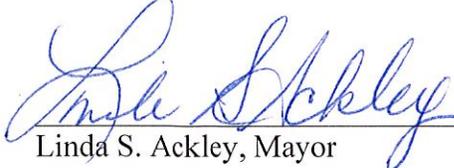
Yes (6)	Lublin, Owsinek, Ambrose, Costanzo, Robertson, Ackley
No (0)	
Absent (1)	Loch
Abstain (0)	

ADJOURNMENT

Meeting adjourned at 10:14 p.m.



Jennifer A. Stuart, City Clerk



Linda S. Ackley, Mayor

approved
8-21-18