



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, MARCH 20, 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 Loch, Council Member Lublin, Council Member Robertson

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

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

CEREMONIAL OATH OF OFFICE PRESENTATION

1. Oath of Office administered to new Police Officer Julie Jasinski

City Clerk Stuart administered ceremonial Oath of Office.

2. Oath of Office administered to Reserve Police Officer Mark Trombetta

City Clerk Stuart provided ceremonial Oath of Office.

PUBLIC HEARING

1. Grant Application for Mercer Beach Environmental Improvements – Land and Water Conservation Fund (LWCF)

Finance Director Coogan explained the proposed improvements to Mercer Beach include a new green infrastructure bioswale, energy efficient lighting, expanded handicap access, new benches and porta-john with storage enclosure. Ms. Coogan said the grant total is \$155,300 and the City's financial obligation would be 50% of this total equaling \$77,650.

Open Public Hearing 7:40 p.m.

Public Comment

Janice Leonhardt, 232 W. Walled Lake Drive – said the grant is well worth the work and appreciated the efforts of city staff and the consultants for completing the grant application.

Close Public Hearing 7:41 p.m.

City Manager Whitt explained the grant match to be awarded is \$77,650 and if the grant is not approved, the city has already allocated \$100,000 in the Capital Improvements Plan for park improvements.

REQUESTS FOR AGENDA CHANGES:

Mayor Ackley requested to add the Walled Lake Western Band Booster’s request under new business and asked council to review before approval of the minutes as the representative was present in the audience.

CM 3-01-18 MOTION TO APPROVE RESOLUTION 2018-17 A RESOLUTION PROVIDING FOR APPROVAL OF A CHARITABLE GAMING LICENSE APPLICATION FOR THE WALLED LAKE WESTERN BAND BOOSTERS, INC; PROVIDING LOCAL GOVERNMENT APPROVAL FOR A GAMING LICENSE AS AUTHORIZED BY MICHIGAN COMPILED LAWS, SECTION 432.103

Motion by Ambrose, seconded by Loch, UNANIMOUSLY CARRIED: To approve resolution 2018-17 a resolution providing for approval of a charitable gaming license application for the Walled Lake Western Band Boosters, Inc.; providing local government approval for a gaming license as authorized by Michigan Compiled Laws, Section 432.103.

Roll Call Vote

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

APPROVAL OF THE MINUTES:

1. Regular Council Meeting Minutes of February 20, 2018

CM 3-02-18 TO APPROVE THE FEBRUARY 20, 2018 REGULAR COUNCIL MEETING MINUTES

Motion by Ambrose, seconded by Lublin, UNANIMOUSLY CARRIED: To approve the February 20, 2018 Regular Council Meeting Minutes.

Discussion

Council Member Costanzo said page six of the minutes were not accurate with what he stated. Mr. Costanzo stated at the last meeting the reason why council adjourned the meeting was because Mrs. Helke's attorney had stated the city violated the open meetings act by denying access to the public meeting and that any decision rendered at that January 25th meeting would be null and void. Mr. Costanzo opined the minutes read as if he stated that the city violated the open meetings act.

City Manager Whitt said it doesn't change the minutes, it was all reviewed. Mr. Whitt explained the attorney did say things like that, but the fact is the meeting was adjourned to a time and place to accommodate the crowd. Mr. Whitt said the minutes are correct.

Council Member Costanzo asked that the paragraph be cleaned up to state that it was Mrs. Helke's attorney that stated the city had violated the open meetings act not him.

Manager Whitt again stated the minutes reflect exactly what happened.

Mayor Ackley said Mr. Costanzo said the meeting was adjourned and the minutes reflect it was a motion to recess not adjourn it was not correcting anything other than the fact Mr. Costanzo said the meeting was adjourned.

Council Member Costanzo said that is correct and he misunderstood what that sentence was reading.

Roll Call Vote

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

AUDIENCE PARTICIPATION:

Jeffrey Zug, 420 Wellsboro – provided a thank to city staff. Mr. Zug requested an audit of all the Planned Unit Developments (PUDs) within the city explaining that Legato never planted the required trees.

Cheryl Flammer, 3557 Clark Circle – said she was here representing the Banks Dolbeer home and LACF. Ms. Flammer explained she and attorney Bruce Segland met in early February at her request with City Manager Whitt. Ms. Flammer explained it was then the board placed their own CPA and own lawyer on the board of directors. Ms. Flammer explained the group never crossed the state level threshold of \$500,000 requiring an audit nor did \$250,000 threshold for requiring a certification of financial records either. Ms. Flammer said if Mr. Whitt or his designee could work with their group, they can work with the City Manager Whitt's conditions. Ms. Flammer explained the group has a potential buyer for the home, they have an experienced team who can

move home within 14 days and the buyer would like a tour of house as soon as possible. Ms. Flammer opined this project means a great deal too many people and it meant a lot to the city's predecessors.

Mark Toth, Sparks Lane – explained council will be bringing in a certain element of people to the city with medical marijuana facilities. Mr. Toth opined this will destroy the properties values in the city and this type of treatment needs to be provided by a medical doctor not just anybody.

Darlene Ciampa, 1717 Ashstan – explained she is opposed to the marijuana licenses as well as increases in the water rates.

Michelle Phillian, 300 Eagle Pond – explained her support of medical marijuana as a hospice nurse she sees the benefit of medical marijuana treatment for those individuals at the end of their life in severe pain. Ms. Phillian asked who council is allowing to sell medical marijuana she asked council to stand behind the current community members who may be applying.

Scott Yaldo, 693 Wolverine Lake Drive – said Walled Lake is taking a new venture, medical marijuana is coming to the communities and the profits need to stay within the municipality.

Janice Leonhardt – 232 W. Walled Lake – explained she would like to see the Banks Dolbeer home in its current location and she did not recall voting to move it as Ms. Flammer had said. Ms. Leonhardt explained she attended the CEC hearing on the 14th. Ms. Leonhardt said if the CEC building comes down, asbestos is airborne it needs to be sealed up and there are companies that provide this service.

A representative from Wild Bill Tobacco Center spoke about provisioning centers and application processes.

David Rudoi, the attorney representing Bazonzoes – discussed administrative rules for processing medical marijuana applications. Mr. Rudoi said he sent an email and thanked the council for their careful consideration concerning medical marijuana.

Scott Toth, 455 Sparks Lane – said thank you to Ms. Coogan for review of Area H and having it on the agenda and the fire department for pumping out his site. Mr. Toth explained his area is still full of water and urged council to take the drainage issues very seriously. Mr. Toth said he wants council to be cautious of the developers presenting information. Mr. Toth explained his opposition to medical marijuana.

Steve Atwell, 902 N. Pontiac Trail – said he has been in the City since 1961. Mr. Atwell explained all negativity on the internet about the City needs to stop.

Sylvia Toth, 455 Sparks Lane – explained she is opposed to medical marijuana. Ms. Toth explained drainage is still an issue with her property and is opposed to the new development near her home.

CITY MANAGER'S REPORT:

1. Departmental / Divisional Statistical Reports

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

-Warrant Report #3-2018

-Investment Report December 2017

CM 3-03-18 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS

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

Roll Call Vote:

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

ATTORNEY'S REPORT:

1. Request for Closed Session to discuss Confidential Attorney Client Communication – City of Walled Lake v. Walled Lake Consolidated School District pursuant to Section 8 (e) of the Open Meetings act (OMA)

CM 3-04-18 TO ENTER INTO CLOSED SESSION TO DISCUSS CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION – CITY OF WALLED LAKE V. WALLED LAKE CONSOLIDATED SCHOOL DISTRICT PURSUANT TO SECTION 8 (E) OF THE OPEN MEETINGS ACT (OMA)

Motion by Robertson, seconded by Lublin, UNANIMOUSLY CARRIED: To enter into closed session to discuss Confidential Attorney Client Communication – City of Walled Lake v. Walled Lake Consolidated School District pursuant to Section 8 (e) of the Open Meetings Act (OMA).

City Attorney Vanerian explained the status of the Community Education Center (CEC) building. Mr. Vanerian said the hearing was held last week Wednesday and both sides provided oral argument. Mr. Vanerian explained the Judge would provide an order at a later date.

City Manager Whitt said the city filed suit to try to work towards a public/private partnership to repurpose the building, the suit was filed to buy time to get the school board to work with the

city. Mr. Whitt said the city never intended to buy the building and there are several issues with the building.

Mayor Ackley asked if the judge ruled in favor of the school, the city has no control.

Mr. Vanerian explained the judge is going to decide the permitting jurisdiction, the state or the city.

Manager Whitt said the city did take down a building where chambers currently sit, the city was required to bring in outside inspectors to monitor the asbestos. Mr. Whitt said the CEC building asbestos will be monitored, the judge will set the direction.

2. Proposed Resolution 2018-10 Marijuana Facility Administrative Rules

City Attorney Vanerian explained this resolution was created at direction of council to set forth an administrative guidance to applicants and city administration. Mr. Vanerian explained there is a preliminary review for zoning district compliance, is applicant current on taxes and fees, and created a priority list of first come first serve, lottery, or merit based. Mr. Vanerian said there are tentative start dates however the applications are still being developed the intention is to review and take action a month later after submittal, the applications coming proposing improvements to façade or parking lot will take longer to put together.

CM 3-05-18 MOTION TO APPROVE RESOLUTION 2018-10 A RESOLUTION ADOPTING ADMINISTRATIVE RULES CONCERNING PROCESSING APPLICATIONS FOR MARIJUANA FACILITIES

Motion by Loch, seconded by Ambrose,

Discussion

Council amended the date of applications to April 2, 2018 as April 1, 2018 is a Sunday.

CM 3-06-18 AMENDMENT TO CHANGE ITEM NUMBER 7 TO READ APRIL 2, 2018 NOT APRIL 1, 2018

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: Amendment to change item number 7 to read April 2, 2018 not April 1, 2018.

Roll Call Vote

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

CM 3-07-18 MOTION TO APPROVE RESOLUTION 2018-10 A RESOLUTION ADOPTING ADMINISTRATIVE RULES CONCERNING PROCESSING APPLICATIONS FOR MARIJUANA FACILITIES

Motion by Loch, seconded by Ambrose, MOTION CARRIED: To approve resolution 2018-10 a resolution adopting administrative rules concerning processing applications for marijuana facilities.

Roll Call Vote

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

NEW BUSINESS:

1. Proposed Resolution 2018-11 Storm Water Drainage Area H Easement

Finance Director Coogan said the storm water system is a city-wide issue, the downtown area has a very serious issue. Ms. Coogan explained at the budget work shop, council asked for information to address drainage area H. Ms. Coogan explained this resolution will permit the city attorney to work with city administration on obtaining the necessary easements. Ms. Coogan explained she will be preparing a presentation at the direction of DDA Chairman Ambrose on the areas affected with drainage and possible solutions.

Manager Whitt this issue is being addressed globally for the city, easements are necessary to clean and maintain the drainage areas. Mr. Whitt said the people of the Gamma subdivision have suffered the most. Mr. Whitt said Ms. Williamson on Gamma has a right to be angry, the issue needs to be addressed. Mr. Whitt said this is the beginning to a fix.

CM 3-08-18 TO APPROVE RESOLUTION 2018-11 A RESOLUTION TO OBTAIN ACCESS TO ANY AND ALL NEEDED AREAS OF THE WETLAND AND WETLAND DRAINAGE DITCH IN DRAINAGE AREA 'H' AS OUTLINED ON THE 1989 CITY STORM WATER FACILITIES MAP IN ORDER TO FACILITATE PROPER DRAINAGE OF STORM WATER TO LAKE

Motion by Owsinek, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve resolution 2018-11 a resolution to obtain access to any and all needed areas of the wetland and wetland drainage ditch in drainage area 'H' as outlined on the 1989 City Storm Water Facilities Map in order to facilitate proper drainage of storm water to the lake.

Roll Call Vote

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

2. Proposed Resolution 2018-12 Capital Improvement and Cross Connection

City Treasurer Barlass said \$105 annual should read per charge per inspection for commercial properties. The commercial properties are inspected annually.

CM 3-09-18 TO APPROVE RESOLUTION 2018-12 A RESOLUTION TO APPROVE WATER CAPITAL INFRASTRUCTURE RATES AND CROSS CONNECTION CHARGES

Motion by Owsinek, seconded by Loch, UNANIMOUSLY CARRIED: To approve resolution 2018-12 a resolution to approve Water Capital Infrastructure Rates and Cross Connection charges.

Roll Call Vote

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

3. Proposed Resolution 2018-13 Approval to submit Grant Application for Land and Water Conservations Funds for Mercer Beach Improvements

Finance Director Coogan said the grant application requires a council resolution approving the grant application and council agrees to match the grant amount. Ms. Coogan said the money is part of the capital funds already approved in the budget.

CM 3-10-18 TO APPROVE RESOLUTION 2018-13 A RESOLUTION AUTHORIZING THE SUBMISSION OF A LAND AND WATER CONSERVATION FUND GRANT APPLICATION FOR MERCER BEACH ENVIRONMENTAL IMPROVEMENTS

Motion by Loch, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2018-13 a resolution authorizing the submission of a Land and Water Conservation Fund Grant application for Mercer Beach Environmental Improvements.

Roll Call Vote

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

4. Proposed Resolution 2018-14 Approval to submit Grant Application for Recreation Passport Funds for Renovation of Sims Park, Phase I

**CM 3-11-18 MOTION TO APPROVE RESOLUTION 2018-14 A
RESOLUTION AUTHORIZING THE SUBMISSION OF A
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
RECREATION PASSPORT APPLICATION FOR RENOVATION
OF SIMS PARK, PHASE I**

Motion by Owsinek, seconded by Robertson, UNANIMOUSLY CARRIED: To approve resolution 2018-14 a resolution authorizing the submission of a Michigan Department of Natural Resources Recreation Passport application for renovation of Sims Park, Phase I.

Roll Call Vote

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

5. Proposed Resolution 2018-15 Retiree Healthcare Plan

**CM 3-12-18 MOTION TO APPROVE RESOLUTION 2018-15 A
RESOLUTION APPROVING APPROPRIATION FOR
HEALTHCARE FOR PLAN YEAR APRIL 1, 2018 TO MARCH 31,
2019 FOR ELIGIBLE PREVIOUS EMPLOYEES OF THE CITY OF
WALLED LAKE**

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2018-15 a resolution approving appropriation for healthcare for plan year April 1, 2018 to March 31, 2019 for eligible previous employees of the City of Walled Lake.

Roll Call Vote

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

6. Proposed Resolution 2018-16 Employee Healthcare Plan Renewal 2018

CM 3-13-18 MOTION TO APPROVE RESOLUTION 2018-16 A RESOLUTION APPROVING A HEALTHCARE BENEFIT PACKAGE FOR FULL-TIME EMPLOYEES FOR THE PLAN YEAR APRIL 1, 2018 TO MARCH 31, 2019

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2018-16 a resolution approving a healthcare benefit package for full-time employees for the plan year April 1, 2018 to March 31, 2019.

Roll Call Vote

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

7. Proposed Resolution 2018-17 Walled Lake Western Band Booster's request for Charitable Gaming License

Agenda item was presented and approved prior to Approval of the Minutes.

COUNCIL COMMENT:

Council Member Loch said the Easter Egg hunt is scheduled for March 30, 2018 and invited all to come. Mrs. Loch said she appreciates all the support of city staff.

Council Member Lublin said he would like to have a volunteer dinner for the members of the boards and commission.

CM 3-14-18 MOTION TO HOST A DINNER FOR THE VOLUNTEERS OF THE BOARDS AND COMMISSIONS

Motion by Lublin, seconded by Costanzo, UNANIMOUSLY CARRIED: To host a dinner for the volunteers of the Boards and Commissions of the City.

Roll Call Vote

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

Council Member Robertson said the city staff took some beating during the last election. Mr. Robertson thanked the city staff and work on the finances.

Council Member Ambrose suggested putting together a committee to discuss the administrative rules for medical marijuana further.

MAYOR'S REPORT:

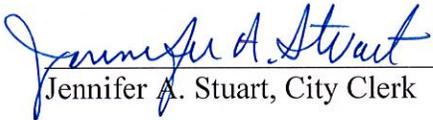
Mayor Ackley thanked the city staff.

Council recessed at 10:15 p.m.

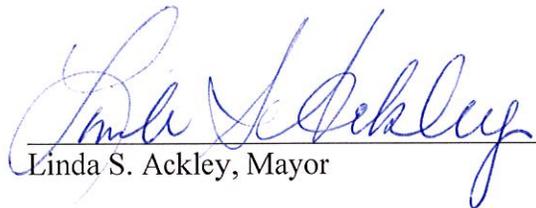
Council entered closed session at 10:23 p.m.

Council arose from closed session at 10:35 p.m.

Meeting adjourned at 10:36 p.m.



Jennifer A. Stuart, City Clerk



Linda S. Ackley, Mayor

approved 5/15/18