



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
PUBLIC HEARING
(ELECTRONIC MEETING PLATFORM)
TUESDAY, MAY 19, 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

REQUESTS FOR AGENDA CHANGES:

Council Member Costanzo requested to add an item under Unfinished Business discussion of downtown parking. Mayor Ackley added as item 2.

Mayor Ackley added under Council Report as item 1 report from DDA Chairman Ambrose and moved trailway report as item 2.

APPROVAL OF THE MINUTES:

1. Regular Council Meeting April 21, 2020

CM 5-1-20 MOTION TO APPROVE THE REGULAR COUNCIL MEETING OF APRIL 21, 2020

Motion by Owsinek, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve the Regular Council Meeting of April 21, 2020.

Roll Call Vote

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

PUBLIC HEARING:

1. 2021 Fiscal Year Budget Appropriations

Open Public Hearing 7:36 p.m.

AUDIENCE PARTICIPATION

Mr. Jerry Millen said he is the owner of Green House of Walled Lake and discussed the Trailway Management Council. Mr. Millen said there has been money spent on the Airline Trailway that was not supposed to cost the taxpayers of Walled Lake. Mr. Millen said he is a member of Walled Lake and a taxpayer of the city. Mr. Millen said there has been money spent for a no cost to the taxpayer trail. Mr. Millen asked Council Member Costanzo to explain how the Airline Trail has cost the taxpayers over \$100,000 over the past two years. Mr. Millen opined that it was a sham and it was a way for Council Member Costanzo to get a free parking lot for his friends to open a dispensary. Mr. Millen said as a taxpayer he cannot believe a council member would support and push for something that the voters rejected to pay for. Mr. Millen said there are so many projects in the city that need attention and that the \$100,000 on the trail could have been spent fixing city streets, sidewalks, and parks. Mr. Millen said the real question is why Council Member Costanzo still pushes for something that costs so much money to the Walled Lake taxpayers, it is clearly not free. Mr. Millen said since Council Member Costanzo freely spends taxpayer money and explained he thought it was time for Green House to step up and contribute to our city. Mr. Millen said on behalf of Green House he pledged \$10,000 to fix Riley Park so families and children can have a place to play. Mr. Millen said Council Member Costanzo should be ashamed of pushing a project everyone knows is costing the city taxpayers so much money. Mr. Millen asked Council Member Costanzo what his motives were for continuing to support spending money on the trail, but Mr. Millen added that the Green House will fund a rehabilitation project of Riley Park and it will not cost the Walled Lake taxpayers a penny.

Close Public Hearing 7:38 p.m.

2. Healy Homes, LLC Appeal Regarding Planning Commission Case 274 Chestnut Hills Lot Split

Open Public Hearing 7:39 p.m.

Mr. Healy spoke on behalf of Healy Homes and explained there is a proposal for two homes on two acres of land at the end of a cul-de-sac. Mr. Healy said the original design was for four homes with a cul-de-sac. Mr. Healy said there were modifications made and now proposal is two homes and having a "T" turnaround not a cul-de-sac. Mr. Healy explained this design still meets fire department standards for access. Mr. Healy said the homes would not look out of place, two very nice homes with garages. Mr. Healy said one home on a large 2-acre lot would not look right in the subdivision. Mr. Healy said if this proposal does not pass he would like to present the one that looks like a cul-de-sac but is a turn around and it would still only be two homes.

AUDIENCE PARTICIPATION

Council Member Woods said he is the president of the Chestnut Woods Association where the homes would be going. Mr. Woods said he spoke with the Highpoint neighborhood and neighboring homes in Commerce Township about this project. He explained in the past there have been issues with garbage trucks backing up into neighbor's driveway to turn around. Mr. Woods said they wanted to go down the path of putting in a cul-de-sac that was approved by the Planning Commission from 1996. Mr. Woods said the new plans submitted on Friday were shared with all of the neighbors and Mr. Healy has addressed our concerns. Mr. Woods said on behalf of the Chestnut neighborhood they are happy with the plans and changes submitted. Mr. Woods said the homes are more in a central location and setbacks look nice. Mr. Woods said the association approves of the changes.

Mindy Fernandes, 45400 W. Pontiac Trail – said she is concerned with the proposal. Mrs. Fernandes explained she lives in front of the Chestnut Hills subdivision and there is a retention pond in front of her home where the runoff hardscape goes. Mrs. Fernandes asked if that was going to be expanded or is the applicant going to do another runoff system for the new hardscape.

Mr. Healy explained there were not any plans to expand the retention pond. Mr. Healy said they have not worked in that area in a long time but in the past it really never did fill up. Mr. Healy said the pond was originally designed for four homes at the end of the cul-de-sac. Mr. Healy said engineering design this. Mr. Healy explained the retention pond was designed by an engineer to work with the original four homes. Mr. Healy said the proposal is down to two homes and he did not think it was going to be a problem. Mr. Healy explained as time went on they were not able to acquire the land for a while. Mr. Healy said the catch basin is right on the property line. Mr. Healy explained there are multiple different catch basins, one on the road and one between the two lots.

Mrs. Fernandes explained the first ten years she lived there, there was never water in it however the last ten years there has been a lot of water in it. Mrs. Fernandes said just last evening there was rain and there is still a ton of water down there right now. Mrs. Fernandes said she does not know what the problem is, but it is not draining. Mrs. Fernandes said animals and kids are in the area down there and she wants the lack of drainage addressed.

City Manager Whitt said the revised proposal made the folks happy in Commerce and the Chestnut Hills subdivision. Mr. Whitt explained he is a voting member of the Planning Commission and he voted the first plan down. Manager Whitt explained a revised plan was submitted and he would now vote yes on the revised plans. Manager Whitt explained that City Council has the authority to amend the decision by the Planning Commission. Manager Whitt explained Mr. Healy could start this project immediately and everything could be done through administrative planning, fire department reviews, etc. Manager Whitt said the plan needed revision to address the concerns of the people in the subdivision and asked for association president Council Member Woods to provide comment.

Mayor Ackley said she attended the Planning Commission meeting and the original proposal had concerns. Mayor Ackley asked Attorney Vanerian if Council if they had the authority to act on this tonight.

City Attorney Vanerian explained this is an appeal from the Planning Commission decision and under Section 74 of the City Code Subdivisions, the City Council does have the authority to do so. Attorney Vanerian explained this is a public hearing and the ordinance provides that at the conclusion of the public hearing the City Council may affirm, modify, or reverse the decision imposing any conditions to the Planning Commission actions. City Attorney Vanerian explained Council does have the authority in the appeal capacity to modify the decision of the Planning Commission which could be to reverse their decision and approve the lot split as submitted by way of the most recent submittal.

Mayor Ackley explained to Council they could close the public hearing and vote on it tonight. Mayor Ackley asked if there was any further audience participation.

Close Public Hearing 7:54 p.m.

CM 5-2-20 MOTION TO REVERSE THE DECISION OF THE PLANNING COMMISSION ON CASE 274, HEALY HOMES AND ACCEPT THE PLANS AS PRESENTED TO ADMINISTRATION ON FRIDAY MAY 15, 2020 AND APPROVE ADMINISTRATION MOVE FORWARD WITH THE NEXT STEPS IN THE BUILDING PROCESS

Motion by Woods, seconded by Lublin, CARRIED: Motion to reverse the decision of the Planning Commission on case 274, Healy Homes and accept the plans as presented to administration on Friday, May 15, 2020 and approve administration move forward with the next steps in the building process.

Council Member Lublin requested the retention pond issues as mentioned be investigated and ensure it works properly.

City Manager Whitt added if council approves of the lot split these items can be addressed administratively and he will follow up to make sure it is taken care of.

Roll Call Vote

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

Council Member Owsinek abstained as he is a member of the Planning Commission.

COUNCIL REPORT:

1. DDA Report from Chairman Ambrose

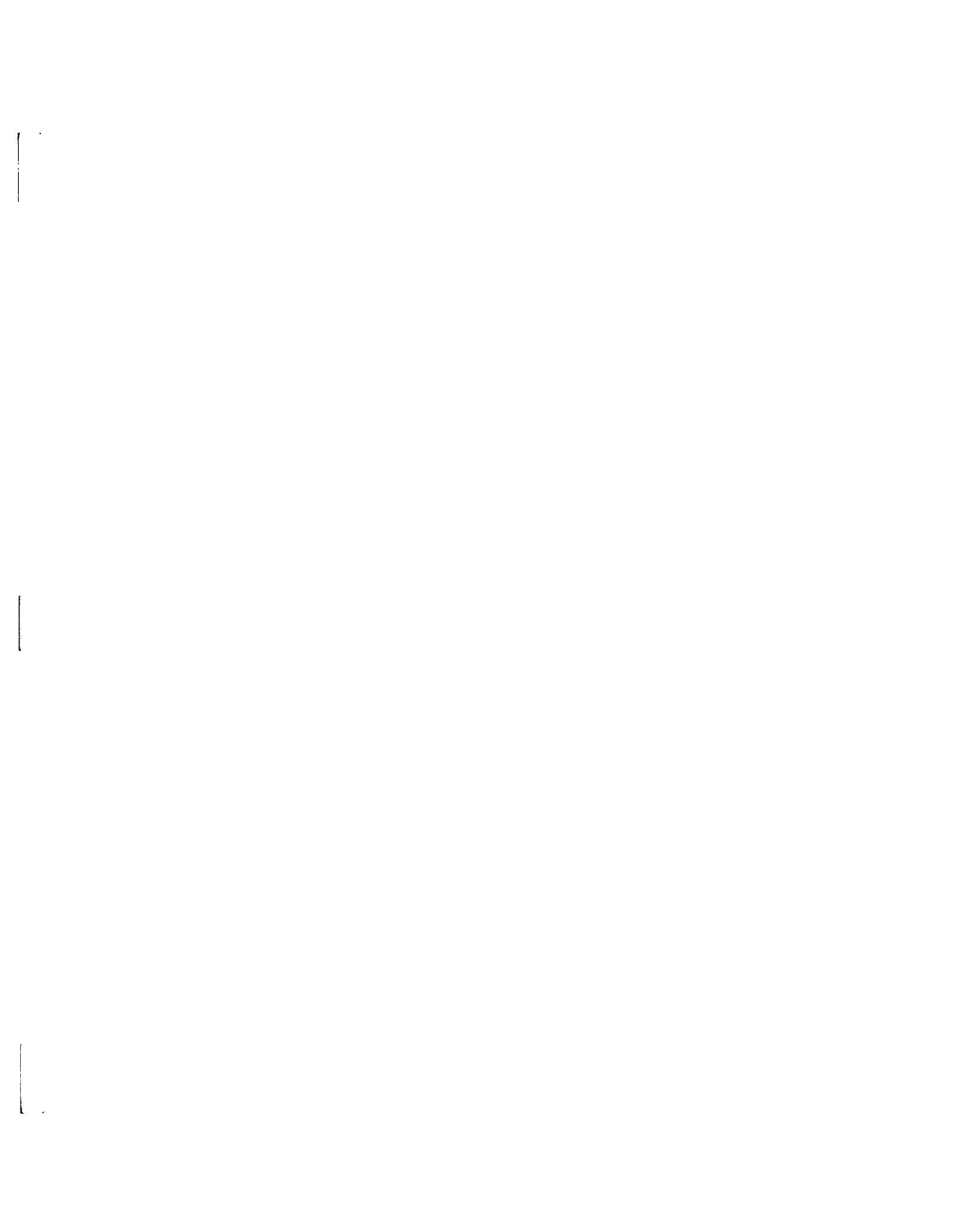
Mayor Pro Tem Ambrose said there was a DDA meeting Tuesday, May 12 and realtor Randy Thomas of Insight Commercial Realty, was present to provide an update on several parcels he is working with here in the city. The site where the prior Walled Lake Community Education center was, had found another hot spot and it had to be remediated which takes about a year. Mr. Ambrose explained the year is coming to the end and the parcel should be ready for activity June or July of this year. There is another parcel at Pontiac Trail and Decker Road for sale, a five-acre parcel zoned RM-1 in which Mr. Thomas has already received calls from potential developers. Mr. Ambrose said Mr. Thomas is looking forward to working with the city on these parcels. Mr. Ambrose said there were four businesses who received economic stimulus grant funds from Oakland County: Nino's Bakery, Jennifer's Nails, Great Lakes Segway, and Liz's Cleaners. Mayor Pro Tem Ambrose thanked Mayor Ackley for shepherding this grant process through the county.

Mayor Pro Tem Ambrose said there was also discussion on the Airline Trailway Management Council and the continuing costs to the city's taxpayers. Member Ambrose said that Council Member Costanzo states the monies that are spent on the trail were left over monies from grants provided by the Ralph C. Wilson foundation and Dr. Levine, this is not accurate. Mr. Ambrose explained this trail is not free as it was proposed, these funds are coming from the City of Walled Lake's fund balance. Mr. Ambrose explained the city incurs costs for engineering, no improvements can be made without incurring engineering costs and new proposed improvements include drinking fountains and striping of the trail. Mayor Pro Tem Ambrose asked Finance Director Barlass for a figure so far as to what the city has spent on the trail.

Finance Director Barlass explained current year engineering costs paid by the taxpayers of Walled Lake have been approximately \$87,000 and since 2017 a total of \$166,505 has been spent on funding the Airline Trailway Management Council.

Council Member Costanzo said the funds that were spent on the bridge were by a grant and Commerce Township fund, phase II of trail way is born by Milford and Wixom. Mr. Costanzo said there is a misconception, the money is coming from the grants. Mr. Costanzo said at the DDA meeting the amenities discussed were proposed by the trailway council. Mr. Costanzo said the trailway council is going to use grant money for these items. Mr. Costanzo opined the trailway council has been operating on a fund balance they are using money in the bank; the City of Walled Lake has not contributed anything to the operating cost last year or this year. Mr. Costanzo said the funds that have been spent for the bridge were paid for by a grant, from the Mitigation Air Quality fund that has nothing to do with the trail.

Mayor Pro Tem Ambrose said nothing is done with the trail without engineering. Mayor Pro Tem Ambrose said every month the city receives a bill for engineering costs related to the trail.



Member Costanzo said the Trailway Management Council has done quite a bit to lower the initial costs by 75%. Mayor Ackley corrected Council Member Costanzo stating that it was not the Trailway Management Council that obtained the reduced rates, the lower rates had nothing to do with what the Trailway Management Council's actions. Mayor Ackley explained to Council Member Costanzo that it was due to the fact the bids came in low. Mayor Ackley explained to Council Member Costanzo that everything that Trailway Management Council is proposing to do has additional engineering costs and fees and those costs are outside the Trailway Management Council's operating budget. Mayor Ackley explained to Council Member Costanzo that he had just heard from the Walled Lake Finance Director, that the city taxpayers had paid \$87,000 to the Trailway Management Council yet Council Member Costanzo still wants to fund these things that City of Walled Lake taxpayers said they do not want to fund.

Council Member Lublin said is costing the Walled Lake taxpayer money. Member Lublin said the city taxpayers have spent \$166,000 since 2017 so Council Member Costanzo's statements that there is no cost from the Trailway Management Council is not true, it is costing the City of Walled Lake Taxpayers.

2. Report from Trailway Representative/Council Member Owsinek

Council Member Owsinek said the trail is essentially complete minus the bollards and opinions vary on the need of those. Member Owsinek explained what happens at Trailway Management Council meetings is called "mission creep". Member Owsinek said the Trailway Management Council wants to spend \$140,000 to place a shaded shelter and paint stripes on the trail. Member Owsinek stated all the additions keeps adding to the cost to Walled Lake Taxpayers, every time the Trailway Management Council wants to place a drinking fountain it has to go to the engineer for review and approval. Member Owsinek said there is money coming from the City of Walled Lake taxpayers to pay these engineering costs every month. Member Owsinek said the engineering firm is the same engineering firm which did the original work. Member Owsinek explained the \$140,000 being discussed is to come from the Ralph C. Wilson Foundation for these amenities however, there is also \$220,000 coming out of those grants as well for phase II of the trail. Member Owsinek explained Walled Lake taxpayers will still be obligated to pay. Member Owsinek said he does not believe Walled Lake taxpayers will be free from costs for the coming phase II. Member Owsinek explained he has been with this since 2012, every turn of the wheel, the city has been lied to, the city is only 11% of the population but yet the city is getting hit for 33% of the costs, this is unconscionable.

Member Owsinek stated the trail is completed and in use right now. Member Owsinek opined that the City Council should take care of Walled Lake and its taxpayers, the City of Walled Lake should go our own way and handle the maintenance of the trail on our own.

Council Member Woods asked if anything is added to the trailway, is there an opportunity to veto an item that affects Walled Lake.

Council Member Owsinek said no there is not, Walled Lake is continually overridden by the other two members. Mr. Owsinek explained the trail has not had an audit since 2009 and it is

now May 2020 and the city still has not been provided an audit. Council Member Owsinek who is the City of Walled Lake's Trailway Management Council representative stated that the city taxpayers have been continually lied to.

Council Member Costanzo opined that to say they lied is a disservice to everyone's efforts on this trail project. Council Member Costanzo opined the amenities were only ideas nothing was set. Mr. Costanzo said there is no extra charge of engineering costs for the striping, the Ralph C. Wilson foundation grant did allow a certain percentage. Council Member Costanzo said the audit was agreed upon last year and they have been working on getting one together.

Member Owsinek explained that a financial audit is required of the Trailway Management Council every year.

Mayor Ackley asked for the proposed resolution to be presented for all to view and called a two-minute recess.

Meeting Recessed 8:26 p.m.

Meeting reconvened 8:29 p.m.

**CM 5-3-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WALLED LAKE TO WITHDRAW FROM THE COMMERCE,
WALLED LAKE, AND WIXOM TRAILWAY MANAGEMENT
COUNCIL; AND TO MANAGE THE WALLED LAKE TRAIL AS
A LINEAR PARK**

Motion by Owsinek, seconded by Lublin, CARRIED: To approve resolution 2020-19 a resolution of the City Council of the City of Walled Lake to withdraw from the Commerce, Walled Lake, and Wixom Trailway Management Council; and to manage the Walled Lake trail as a linear park.

Discussion

Council Member Lublin explained the city was at this same junction three or four years ago when Commerce Township and Wixom representatives both said they would work on a new interlocal agreement. Member Lublin said the proposed resolution needs to pass because it gives the power back to the city taxpayers.

Council Member Owsinek who is the Trailway Management Council representative introduced the resolution and explained section 6 of the resolution asks for number of days he suggested three days making effective Friday, May 22, 2020.

Council Member Costanzo said the interlocal agreement was discussed at numerous trailway meetings it has never come before this body for discussion. Council Member Costanzo said the trailway is operating on a fund balance using money that is already in the bank for trail use. Mr.

Costanzo said there will be a great tax reduction to the taxpayers of Walled Lake, to withdrawal is silly at this point, we are not finished with the project.

Council Member Lublin stated when the trail is completed, there will be no reason for Wixom and Commerce to come the table to negotiate a new interlocal agreement. Council Member Lublin explained that he is not against Wixom or Commerce communities, but he intends to protect the City of Walled Lake taxpayers.

Roll Call Vote

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

CITY MANAGER REPORT:

1. Departmental / Divisional Statistical Reports

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

CM 5-4-20 TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS

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

Roll Call Vote

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

2. Pulte Homes of Michigan – Beachwood Development Request for Performance Guarantee Reduction

City Manager Whitt explained the city has received request from Pulte for a bond reduction. Manager Whitt explained the city does have authority to reduce parts of the bond but due to the nature of the development and how much is and is not developed he is asking for instruction from council.

City Attorney Vanerian explained this project was approved as a Planned Unit Development (PUD) and part of the process was an agreement, in the agreement the applicant was required to provide a performance guarantee. Attorney Vanerian explained the performance guarantee requirement is set forth in Section 21.30 of the zoning ordinance. Attorney Vanerian explained the applicant was required to post 125% of the costs of the development and in order to make that determination, the city manager would have to take a look at what has been done and or completed. Attorney Vanerian said the review would also include the consultant city engineer to provide inspection as to where the developer is to the completion of the project. Attorney Vanerian said he recommends council instruct the city manager to evaluate the current status of the project.

Council Member Lublin said these are odd times, the development only has the model unit built, and he is not in favor of reducing any bonds until they have performed, and we see activity with the project moved further along.

Mayor Ackley said she agrees with Member Lublin and said this project has barely gotten started and there are too many unknowns and too much going on right now. Mayor Ackley said there needs to be more done before council considers reducing the performance bond.

Council Member Costanzo said council gave this developer multiple things including several variances to get this project started. Council Member Costanzo said he is not in favor of any reduction at this point.

Mayor Pro Tem Ambrose said he echoed prior comments and explained it is unfortunate with the current times, a lot of construction has not been able to take place and the project has barely started. Mayor Pro Tem Ambrose explained he could appreciate future discussion on this topic down the road.

Council Member Woods said he also echoes the prior statements and said the project was working on sidewalks today and DTE was out last week and this week working. Council Member Woods said there is no meter by the pond that needs to be pumped out into the required drainage, so he agrees with council not to release or reduce anything yet.

Council Member Owsinek opined the site grading still needs to be completed there is way too much to be done before considering giving a reduction at this time.

City Manager Whitt explained he has the understanding from council, it is clear to wait until further along on the project and revisit.

City Manager Whitt explained the Mayor has participated in the second round of business stabilization grants in the amount of \$72,055 and recommended Sushi Den, Lakes Area Chamber of Commerce, Mufflers n More dba Kenny's Lake Area Auto, Modern Floors, Great Lakes Segway, Liz Cleaner's, Jeff's Kitchen, Salon Tease, Salon Tress, Aqua Grill dba Bayside, One Stop Laundromat, Lakes Area Cleaner's, and Steve Hechtmann DDS. City Manager Whitt

explained if the mayor's recommendations are approved by the county, these businesses will receive these funds.

City Manager Whitt said there have been no serious incidents with any of our first responders. Manager Whitt explained first responders have aided outside communities as part our mutual aid agreements. City Manager Whitt explained city staff has been obtaining university training on coronavirus, including the front office staff.

CORRESPONDENCE: None

ATTORNEY'S REPORT:

1. Memo Initiatory Petition Charter Amendment

City Attorney Vanerian said back on July 30, 2019 the city received an initiatory petition seeking to amend section 4.7 of the city charter. Attorney Vanerian explained the proposed charter amendment sought to create a new retroactive ten year term limit of the Office of the City Manager and the proposal would further change the existing charter provision that states the City Manager shall hold office at the pleasure of the majority of City Council. Attorney Vanerian said the charter amendment proposal was sponsored by a valid committee known as Takeback Walled Lake. Attorney Vanerian explained as part of the charter amendment process, state law requires that any proposed charter amendment be reviewed by both the Governor's office and the State Attorney General's office. Attorney Vanerian explained both reviews have now been completed by the governor and state attorney. Attorney Vanerian said on April 24, 2020 Governor Gretchen Whitmer issued a formal disapproval of the proposed amendment to section 4.7 of the Walled Lake City Charter.

Attorney Vanerian explained that Governor Whitmer rejected the proposed charter amendment because it did not comply with state law. Attorney Vanerian said in disapproving the proposed amendment the governor relied on the March 18, 2020 opinion of the State Attorney General which in her opinion concerning her role in the statutory review of the proposed charter amendment. Attorney Vanerian explained the Attorney General concluded that the proposed charter amendment is not really an amendment; what it is, is a revision to the charter not an amendment. Attorney Vanerian explained there are two different types of procedures one for an amendment and one for a revision. He explained a revision is concerning a much more fundamental change in the form of city government. He said the Attorney General found that what was proposed would have to go through a revision process rather than an amendment process which is what was proposed by the petition. Attorney Vanerian said the Attorney General also concluded as did the Governor that the proposed amendment does not meet the requirements of state law because it is revision not amendment. Attorney Vanerian said the Attorney General explained the fundamental flaw with the proposed amendment is that it would effectively destroy the city management form of government by subjecting the city manager to the control of two masters; the city council and city voters and it

would be impossible to serve both properly. Attorney Vanerian explained however, under state law the proposal will still go on the November ballot this year. Attorney Vanerian explained as part of that process, city council's next step is to provide an explanatory caption with the purpose to ensure the voters are fully informed and not misled considering the significant legal deficiency identified by the State Attorney General and the Governor's office. Attorney Vanerian recommended council begin to contemplate the adoption of an explanatory caption to further voter understanding of what they are actually being asked to vote on. Attorney Vanerian explained in addition to the legal facts identified by the Governor and State Attorney General, the proposed charter amendment also has a significant financial impact for the city. City Attorney Vanerian explained under the City Manager's contract, severance pay benefits that would be owed to the City Manager in the event his employment agreement was terminated and that creates contractual liability exposure to the city upwards of three quarters of a million dollars. Attorney Vanerian explained this needs to be considered as well when preparing the explanatory caption.

2. Memo Zoning Map Update

City Attorney Vanerian explained both the state law and city ordinance require an approved zoning map. He said the current map does hold some discrepancies between the maps published by the city over the years as it relates to the proper zoning designations of certain parcels with respect to adjacent parcels to the zoning district boundaries. Attorney Vanerian explained the zoning map was approved by the planning commission and adopted by the city council late 1989. He explained over time the city has rezoned several parcels and at this point it would be appropriate to revisit the city's zoning map. He explained that process would involve referring to the planning commission for review, study and public hearing and then back to council with a recommendation.

CM 5-5-20 TO REFER TO THE PLANNING COMMISSION FOR REVIEW, STUDY, AND PUBLIC HEARING OF THE ZONING MAP

Motion by Ambrose, seconded by Owsinek, UNANIMOUSLY CARRIED: To refer to the Planning Commission for review, study, and public hearing of the zoning map.

Roll Call Vote

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

3. Memo Pincanna, LLC Appeal

City Attorney Vanerian explained the applicant requested hearing be adjourned to a date sometime in June.

Discussion of dates was held by council.

CM 5-6-20 TO SCHEDULE A SPECIAL MEETING AND PUBLIC HEARING FOR PINCANNA, LLC APPEAL JUNE 15, 2020 AT 7:30 P.M.

Motion by Ambrose, seconded by Woods, UNANIMOUSLY CARRIED: To schedule special meeting and public hearing for Pincanna, LLC appeal June 15, 2020 at 7:30 p.m.

Roll Call Vote

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

Council Member Costanzo opined that if council places an explanatory caption to not make the mistake of Ann Arbor; need to make sure the ballot proposal is plain and understandable to read.

City Attorney Vanerian said he agrees in part, making the ballot proposal understandable further helps the voter to understand and not be misled. Attorney Vanerian explained as discussed by the Attorney General, their office does not review the explanatory captions for ballot proposals.

City Attorney Vanerian explained BDS, LLC recently filed a claim of appeal with the circuit court regarding council's denial of appeal and variance requests.

UNFINISHED BUSINESS:

- 1. Second Reading C-350-20 Amendment to Chapter 50 pertaining to Tobacco, Vapor and Alternative Nicotine Products by Minors**

CM 5-7-20 MOTION TO APPROVE SECOND READING C-350-20 AN ORDINANCE TO AMEND CHAPTER 50, "OFFENSES AND MISCELLANEOUS PROVISIONS" TO ENACT OFFENSES PERTAINING TO THE USE AND POSSESSION OF TOBACCO, VAPOR AND ALTERNATIVE NICOTINE PRODUCTS BY MINORS

Motion by Owsinek, seconded by Woods, UNANIMOUSLY CARRIED: To approve second reading C-350-20 an ordinance to amend Chapter 50, "Offenses and Miscellaneous Provisions" to enact offenses pertaining to the use and possession of tobacco, vapor and alternative nicotine products by minors.

Roll Call Vote

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

2. Historic District Parking

Council Member Costanzo said he is asking about the stations downtown in the public parking areas and asked as the businesses start opening will the signs be coming down.

Mayor Ackley said the signs would most likely come down as the businesses start to open.

City Manager Whitt explained most of the parking downtown is public. Mr. Whitt said when the governor closed everything down, curb side only was allowed. Manager Whitt explained he told a Nino's representative they could place their own signs if they would be doing curb side as well. Mr. Whitt said there are no violations, the issue is that businesses that are busy have patrons that come and go. Manager Whitt said there is coordination with parking as some businesses are trying to work together. City Manager Whitt explained the intent is to make sure everyone has parking and said Green House will not be able to monopolize the parking downtown as it belongs to all of downtown. City Manager Whitt explained the Green House is an anchor store as well as Nino's and the businesses need to work together for the parking.

Council Member Costanzo inquired when the governor's order has ended is that when the signs will be removed.

City Manager Whitt said the city will not take action or be in the way of businesses operating, we want all of them to succeed. Mr. Whitt said if the parking falls to the city administration we will make sure everyone has parking.

Council Member Costanzo asked when the curbside only ends, is that when the signs will be removed, obviously there will be grace time but in a week will they be gone.

City Manager Whitt asked Council Member Costanzo if he could guess what the governor is going to do in the future. Manager Whitt said to Council Member Costanzo that he believes he answered the question, there will not be a single business allowed to monopolize all the public parking downtown but will not take action that gets in the way of doing business, whether it is the Green House, Nino's Bakery or Liz's Cleaner's. Manager Whitt said we want all of the businesses to succeed.

NEW BUSINESS:

1. Proposed Resolution 2020-20 Budget Appropriations for Fiscal Years 2021-2022

Mayor Ackley said she hopes all members of council had the opportunity to discuss with the City Manager and have their questions answered

**CM 5-8-20 TO APPROVE RESOLUTION 2020-20 A RESOLUTION
ADOPTING THE OPERATING AND CAPITAL BUDGET
APPROPRIATIONS OF FUNDS AND LEVY OF TAXES FOR
FISCAL YEAR JULY 1, 2020- JUNE 30, 2021**

Motion by Owsinek, seconded by Ambrose, CARRIED: To approve resolution 2020-20 a resolution adopting the operating and capital budget appropriations of funds and levy of taxes for fiscal year July 1, 2020 – June 30, 2021.

Discussion

Council Member Costanzo said he understands the budget work shops are not in the charter, but every community has them. Mr. Costanzo opined that having budget workshops is one of the reasons the governor allowed electronic meetings. Council Member Costanzo declared that it is irresponsible of the city council to not have budget workshops because he did not want to have discussion individually with the City Manager.

Mayor Ackley said the council held a public hearing tonight on the budget and there was not one person in the audience that had a question, every council person had the opportunity to meet and/or speak with the city manager. Mayor Ackley explained she is not of the opinion that the governor's idea of a virtual meeting was just so you could discuss the budget. Mayor Ackley explained not one budget is not cut in stone, if there are amendments needed they will come before council.

Council Member Woods said he thanked the City Manager for his time answering all of his questions. Council Member Woods said he attended a budget workshop last year as a non-council member and he was surprised he was the only member of the audience. Council Member Woods explained at this time there is not a lot of specific details coming out from the state of the exact direction they are headed, council can only deal with information that is in front of them and our decisions are based on that information.

Council Member Costanzo said there are salary increases for various department heads plus the addition of a confidential assistant position and said this is not appropriate to be doing this especially with our pension liability on top of the COVID-19.

Council Member Owsinek said this budget has been available on the city website for over a month.

Roll Call Vote

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

2. Proposed Resolution 2020-21 The L-4029 2020 Millage Request and Tax Levy

CM 5-9-20 TO APPROVE RESOLUTION 2020-21 A RESOLUTION FOR THE SUMMER 2020 MILLAGE REQUEST REPORT TO THE COUNTY BOARD OF COMMISSISONERS FOR THE ANNUAL LEVY OF AND COLLECTION OF TAXES FOR THE CITY

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2020-21 a resolution for the summer 2020 millage request report to the County Board of Commissioners for the annual levy of and collection of taxes for the City.

Roll Call Vote

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

3. Bids for Downtown Storm Sewer and Beautification

City Manager Whitt said the bids for the downtown and public safety campus phase II came back still higher than anticipated and asked council to reject the bid. Manager Whitt explained the rejection of bids is not to move away from the project but to do it better and take another look at it.

Council Member Lublin said the trades are so backed up from being unable to work from the condition of the state, it is not the time to get a good price.

CM 5-10-20 TO REJECT THE BIDS FOR DOWNTOWN STORM SEWER AND BEAUTIFICATION PROJECT

Motion by Ambrose, seconded by Costanzo, UNANIMOUSLY CARRIED: To reject the bids for the Downtown Storm Sewer and Beautification project.

Roll Call Vote

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

4. Bids for Public Safety Campus Expansion, Phase II

City Manager Whitt asked council to reject the bid and instruct city administration to work from in house to erect the bridge access to the trail and install drinking fountains and parking.

CM 5-11-20 TO REJECT BIDS FOR PUBLIC SAFETY CAMPUS EXPANSION, PHASE II AND INSTRUCT CITY ADMINISTRATION TO WORK IN HOUSE TO ERECT THE BRIDGE ACCESS TO THE TRAIL AND INSTALL DRINKING FOUNTAINS AND PARKING

Motion by Owsinek, seconded by Woods, CARRIED: To reject bids for public safety campus expansion, phase II and instruct city administration to work in house to erect the bridge access to the trail and install drinking fountains and parking.

Discussion

Council Member Lublin asked where the money would be coming from for the bridge, drinking fountains and parking lot.

City Manager Whitt explained the funding for a memorial will come from forfeiture funds. City Manager Whitt explained city administration will develop an incremental plan to do in-house in phases for the training facility. City Manager Whitt said he will provide a memorial for police, but will include fire, soldiers, airmen, and marines who have lost their lives protecting the country.

Council Member Costanzo said he is requesting council to pause on the entire project. Council Member Costanzo opined this will cost more to the city as seen in last months and previous months warrants, the costs are adding up. Mr. Costanzo said he spoke with the people at the Department of Justice and was told forfeiture funds are to help with fighting crime, police cars, and laptops anything crime fighting related other than payroll. Council Member Costanzo opined that how the project was proposed to council, it would not be approved by the Department of Justice and the city would be kicked out of the program and be required to pay back funds. Council Member Costanzo opined a little water park and three railcars for fire training is not permissible, it is not a crime fighting activity. Member Costanzo opined that the police memorial is not a realistic proposal in our community.

City Manager Whitt explained what Council Member Costanzo said is misleading. City Manager Whitt opined that Council Member Costanzo has been against this project from the beginning

and Council Member Costanzo is anti-police department and anti-fire department. City Manager Whitt stated to Council Member Costanzo that he had at this meeting called the other members of city council irresponsible. City Manager Whitt opined that that is an affront to the other City Council Members. City Manager Whitt explained to Council Member Costanzo that he understands the permissible uses for forfeiture funds.

City Manager Whitt spoke regarding the presentation of the proposed city budget stating that Council Member Costanzo never has contacted him about discussing the proposed budget. City Manager Whitt stated every council person except Mr. Costanzo has contacted him and has had discussion on the proposed budget.

City Manager Whitt opined on Council Member Costanzo's statement that Costanzo called the Department of Justice. City Manager Whitt opined that he believes that Council Member Costanzo called to tell the Department of Justice what Costanzo does not want done in the city. City Manager Whitt explained that he understands the permissible uses for equitable shared forfeitures funds as he has been in law enforcement for 40 years.

City Manager Whitt said he supports the Walled Lake Police and Fire departments and as long as he serves as City Manager he will keep the police and fire and the police and fire will have opportunity to train in house regardless of what Councilman Costanzo personally wants to do.

Council Member Costanzo opined that the city has been in the red for the past three years.

Manager Whitt called out Council Member Costanzo statement that the city is functioning in the red for the past three years as disingenuous. City Manager Whitt stated that the city is not in the red and asked Council Member Costanzo if he knew how to read a financial statement.

Council Member Costanzo said he is an elected official hired by the residents to be their voice on council. Mr. Costanzo said the city healthcare pension is basically at zero as of May 5th on the state treasury website. Mr. Costanzo explained the city is still in corrective action plan for pension plans and for the City Council to even consider these projects is reckless and the City Council is not being a good steward of the taxpayer's money. Council Member Costanzo said the city fund 265, the police department is to use those forfeiture funds not the fire department. Council Member Costanzo opined that he did his due diligence and spoke with the Department of Justice.

Mayor Ackley disagrees with Council Member Costanzo that the city has functioned in the red for the last three years, or that the City Council actions are reckless.

Council Member Costanzo said he would like to ask the City Attorney.

City Attorney Vanerian stated to Council Member Costanzo that he cannot parse out individual aspects of the project and make any kind of rational determination as to whether or not it is a proper use of forfeiture funds. Attorney Vanerian said the use of forfeiture funds depends on the scope of the entire project not just certain aspects of it.

City Manager Whitt opined that what Council Member Costanzo said was irresponsible. City Manager Whitt said the city has never operated in the red or overspent the city's budget during his services.

Manager Whitt explained to Council Member Costanzo that when in the red, as he had suggested, the city would not have a fund balance at years end. City Manager Whitt said Council Member Costanzo's idea that somehow the city is in the red and overspending the general fund balance is simply not true. City Manager Whitt stated to Council Member Costanzo he does not understand what he is dealing with or he is just purposely misleading the people of Walled Lake.

City Manager Whitt explained to Council Member Costanzo that there were capital improvements made to reduce a 26% water loss, the city was cleaning up what years of neglect had created. City Manager Whitt said during his tenure the city millage has never been raised, the Walled Lake millage was even been reduced by Headlee roll back. City Manager Whitt stated, of course there are corrective action plans in place, why wouldn't that be true?

City Manager Whitt stated to Council Member Costanzo that he believes that Council Member Costanzo is opposed to the Walled Lake Police department and the Walled Lake Fire department. City Manager Whitt said as long as he is City Manager our local police and fire will be supported.

Council Member Owsinek called vote to question.

Roll Call Vote

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

COUNCIL COMMENTS:

Council Member Owsinek said he wanted to thank everyone for support in leaving the Trailway Management Council. Council Member Owsinek explained the new Walled Lake linear park will be maintained by the city.

Council Member Lublin thanked Mr. Jerry Millen and the Green House for the pledge grant to repair Riley Park and appreciates the financial help. Council Member Lublin explained the Library Board held a meeting via zoom and approved their budget with over \$210,000 in fund balance. He said about ten years ago it was \$120,000. Lublin thanked police, fire, DPW and administrative departments for their hard work during these difficult times.

Council Member Woods said he wanted to thank the first responders for the work they are doing and continue to do. Council Member Woods said when the city comes out of this state of

emergency we will get back to some normalcy. Council Member Woods said the DPW has done a great job as well as the City Manager, they are out there within hours addressing concerns.

Council Member Costanzo said the incident on April 21 in downtown, was absolutely appalling on so many levels and should never have happened to anyone much less a senior citizen woman. Council Member Costanzo stated that there was a blatant disregard for her health and safety, and it was disgusting. Council Member Costanzo stated that he was there and said condition of Ms. Hall when he approached her, her head and body were covered in sawdust and she was crying in her van. Council Member Costanzo said people just drove by yet no one stepped forward to de-escalate the situation.

Mayor Pro Tem Ambrose explained to Council Member Costanzo that the city has been involved with forfeiture funds and their permissible uses for numerous years. Mayor Pro Tem Ambrose explained that there have been several audits of the use of forfeiture funds' permissible uses over time and the city has received good marks for responsible spending of those funds. Mayor Pro Tem Ambrose thanked Jerry Millen and the Green House for his generous donation. Mayor Pro Tem Ambrose thanked the police, fire and other first responders for their work.

MAYOR'S REPORT:

1. Proposed Resolution 2020-21 National Gun Violence Awareness Day First Friday in June

Mayor Ackley explained this request came to her from a resident and she discussed with Police Chief Shakinas. She asked council for their support.

CM 5-11-20 TO APPROVE RESOLUTION 2020-22 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALLED LAKE DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY

Motion by Ambrose, seconded by Lublin, UNANIMOUSLY CARRIED: To approve resolution 2020-22 a resolution of the City Council of the City of Walled Lake declaring the first Friday in June to be National Gun Violence Awareness Day.

Roll Call Vote:

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

Mayor Ackley said council is blessed with the members of the staff, DPW, police and fire personnel. Mayor Ackley said city staff has been working diligently through this pandemic and

City Manager Whitt has been very strict on protocols with staff. She commended City Manager Whitt for leading the way through this pandemic.

CM 5-12-20 MOTION TO EXCUSE COUNCIL MEMBER LOCH FROM TONIGHT'S MEETING

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

AUDIENCE PARTICIPATION:

Lauren Dunn, Nino Bakery -- spoke on behalf of Nino's Bakery we are getting ready to open up soon and we have a lot to do to follow CDC rules. She said she is asking about signs because she did not get an answer earlier. She asked if the signs were going to be removed when the other businesses open or will there be signs for Liz's Cleaners and Nino's Bakery.

City Manager Whitt explained the city does not want to get into the business of telling them how to do signage but if the businesses cannot get along and cannot come to an agreement of how they use the parking the city will have to issue a traffic order. City Manager Whitt explained everyone will have access if there is an issue of too many signs and everyone is trying to do an independent post then you will not even be able to walk down the sidewalk. City Manager Whitt explained that if there is a need a traffic order will be issued to remove signs, if necessary it may require legislation that makes it even stricter and bring back to council in the form of an ordinance.

Ms. Dunn said she appreciates that but she does not want to see it come to that point why not nip it in the bud now and determine that when businesses open up get rid of the signs and then it is free range.

City Manager Whitt explained it is public parking and that may be an option but he will not make that determination tonight, he will not tell anyone how to run or promote their business getting into a first amendment right debate. Manager Whitt explained if there is no cooperation from the businesses then the city will make the signs illegal and or generate a traffic order for removal. Manager Whitt said he believes the businesses can get along and cooperate for the parking.

Ms. Dunn said they are going through litigation right now with Green House and Jerry Millen and cannot have any contact with them, so it all has to go through the city that is why she called in.

City Manager Whitt explained it would be best to then set up a meeting at her convenience to discuss and make it work for her and all the businesses downtown. Manager Whitt explained he will not shut businesses down he wants everyone to open, everyone is trying to make a living.

Aaron Birdseye, 933 N Pontiac Trail – said his biggest issue is Mr. Whitt saying there has not been a major catastrophe during COVID 19. He said a major catastrophe did occur with a tree being cut down above Delphine Hall's and Dennis drove around, it is recorded on camera, and he did not intervene. Mr. Birdseye said there are all sorts of other things that come into play like gun violence. Mr. Birdseye said why don't we worry about local business violence that seems like the issue here. Mr. Birdseye said we can sit here and commend the police and fire but once again, why were you Dennis, the Director of Public Safety driving by and not only in your charger but a blue two door DPW truck driven by Mr. Ladd. Casey Ambrose, Christy Ambrose and Linda Ackley all drove around. Driving by multiple times and watching pretending like you did not know. Jennifer Stuart once again you lied which would be why city is sanctioned and was subpoenaed from multiple depositions yesterday. It sounds like a conflict of interest which would include the multiple lawsuits you are involved in as well. Lawsuits against residents and Nino's which is why we quote unquote cannot get along. It all seems self-explanatory but then if we don't agree with what the City Manager is saying which is very clear no one does; then why can't the term limit be put on before November. That is something that should have been on last November and then it should have been on in March and then it should have been on in August. But somehow our City Clerk, Jennifer Stuart messes up and pushes it back to November. This may be the option to getting rid of Dennis, Linda, and Casey.

City Manager Whitt explained that he does not know this man. City Manager Whitt said he thought he saw him work at the corner gas station years ago and believes he is a party in some litigation. City Manager Whitt said this man just lied to the city council and stated he has never been in a DPW truck with Mr. Ladd.

City Manager Whitt said this man is claiming to have a video of me driving around in the DPW truck with Dan Ladd but that is a lie. City Manager Whitt states that did not happen. City Manager Whitt said he is aware of pending lawsuits alleging fraud and extortion. City Manager Whitt said there is no video of him driving around in a DPW truck the speaker made up that lie because there is no penalty. City Manager Whitt opined that this man is a party to several litigations.

City Attorney Vanerian said the City Clerk does not make the determination of when a ballot proposal goes on the ballot. Attorney Vanerian said that determination is made by the State Attorney General's office not the City Clerk or anyone else in Walled Lake. Attorney Vanerian explained anytime there is a charter amendment it must go to the state for approval to be reviewed by both the Governor's office and the Attorney General's office. Attorney Vanerian said the Attorney General's office is the authority that told the city the proposal could not go on the ballot until November 2020.

Mayor Ackley said the ballot proposal was handled according to law, there is a legal requirement.

Patricia Parson, Nino's Bakery, 115 E. Walled Lake Drive – said she spoke with Dennis Whitt on May 6th on the economic funds and he explained to me the economic stabilization fund was awarded for the \$3600 and in that conversation he stated, "I suppose you would be able to use it

for anything you would need” and then later said that we should use it for sidewalks. Ms. Parson’s said it was stated again at the DDA meeting and again tonight. Ms. Parson’s opined the economic stabilization fund is to assist owners with payroll mortgage and rent payments, utilities, and other business expenses brought on by the COVID 19 pandemic. Ms. Parson’s said this comes directly from the Oakland County Times. Ms. Parson’s asked why Mr. Whitt and Mr. Ambrose are telling us to use these funds to reduce sidewalk costs when it is supposed to be for COVID 19 expenses.

City Manager Whitt said you can use it for what you want, what you are required to use it for. Mr. Whitt said it is not mandatory the money be used for sidewalks, but it was brought up. Mr. Whitt explained to the extent that you need to participate or contribute to the sidewalk development to make it happen you adjust your finances. Manager Whitt said the money is not granted to fix the sidewalks and that is not the nature of what he was trying to say to Ms. Parson’s, even if that is the way she interpreted it. Mr. Whitt said we are trying to help and provide the businesses money get their doors open. Manager Whitt said he thought the grants were a good thing for the businesses downtown, if not that is the best that can be done.

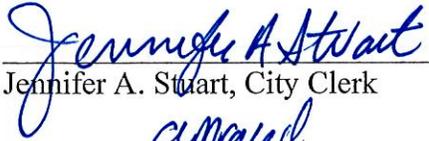
Jerry Millen, Green House – said he wanted to address Mr. Birdseye. Mr. Millen said Mr. Birdseye calls in and harasses individuals at the Tiki bar and impersonates him. Mr. Millen said it was strange Mr. Birdseye uses an address for a dispensary that did not get a license from the city but yet lives in another county. Mr. Millen said there are deep emotional mental issues with this individual. Mr. Millen said there are two sides to every story. Mr. Millen said the tree was clearly in his property and he spent almost \$800 to have the property surveyed. Mr. Millen said the survey proved the tree was on his property.

Mr. Millen said he was being extorted for \$10,000 a month from the Hall’s. Mr. Millen said the Hall’s wanted him to pay them \$10,000 a month to use the property which they already rented to someone else. Mr. Millen said the tree was removed clearly from his property and opined that for Council Member Costanzo to stand by and watch it happen over top of this poor lady and do nothing about it seems to him like nothing more than a political stunt for Council Member Costanzo’s re election next year. Mr. Millen said Mr. Costanzo came out for a couple of photo opportunities, yet he did nothing to help Mrs. Hall. Mr. Millen explained that he had a legal right to remove a tree that was destroying his parking lot.

Neal Wolfson thanked Jerry Millen for his donation to Riley Park. Mr. Wolfson said council made a good decision on the trail. Mr. Wolfson thanked the police and fire department for the great job they are doing. Mr. Wolfson thanked the city manager and council for their hard work over the last ten years getting the city through the financial crisis that was placed on the city several years ago. Mr. Wolfson said it has not been easy and it’s been a lot of work, but City Manager and Council accepted it whereas some people don’t accept it and just want to cause problems. Mr. Wolfson said he is on the Planning Commission and Walled Lake is going to move forward working together, it will be a great Walled Lake.

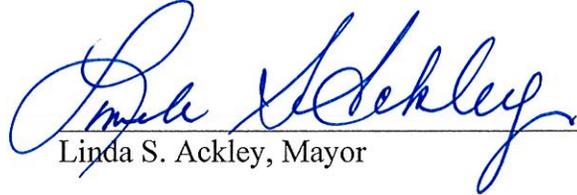
ADJOURNMENT

Meeting adjourned at 10:30 p.m.



Jennifer A. Stewart, City Clerk

*approved
June 16, 2020*



Linda S. Ackley, Mayor