



CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, NOVEMBER 19, 2024
7:30 P.M.

City Clerk Stuart welcomed everyone to the regularly scheduled November 19, 2024, City Council meeting then introduced Council Member Casey R. Ambrose, Council Member Mindy Fernandes, Council Member Tamra Loch, Council Member Bennett Lublin, Council Member John Owsinek, Mayor Pro Tem Ryan Woods, and Mayor Linda Ackley. Also, in attendance Commissioner Ajay Raman and Parks and Recreation Commissioner Dennis O'Rourke.

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

PLEDGE TO FLAG & INVOCATION

Invocation by Mayor Pro Tem Woods.

ROLL CALL

Mayor Ackley, Mayor Pro Tem Woods, Council Member Ambrose, Council Member Fernandes, Council Member Loch, Council Member Lublin, and Council Member Owsinek

OTHERS PRESENT

City Manager Whitt, Assistant to the City Manager Jaquays, Finance Director Pesta, Public Safety Deputy Director Shakinas, Deputy Police Chief Kolke, Fire Chief Gonzalez, City Attorney Vanerian, DPW Superintendent Ladd, and City Clerk Stuart

REQUESTS FOR AGENDA CHANGES

Council Member Ambrose requested to add to the agenda as in the past the consideration of a resolution to cancel the regularly scheduled City Council meeting of December 3rd and cancellation of all Boards and Commissions meetings. Council Member Ambrose also requested to ask for a discussion on the hours of operation for city businesses. Mayor Ackley added under new business.

Finance Director Pesta requested to add a resolution to amend one of the city's 457 plans. Mayor Ackley added under new business.

PRESENTATION

City Manager Whitt introduced Mr. John Pfeffer of the firm Pfeffer, Hanniford and Palka and explained they are the city's independent auditors. Mr. Pfeffer is here this evening to present the audit for Fiscal Year audit for 2024.

1. Pfeffer, Hanniford, and Palka – Audit Presentation for Fiscal Year 2024

- **Proposed Resolution 2024-38 Authorize the Independent Auditors to file timely, the 2024 Year-End Financial Statements with the State**

Mr. Pfeffer said the firm has been the city's auditor for several years. Mr. Pfeffer said he wished to highlight strong points of the audit. Mr. Pfeffer explained one of the most important is the independent audit opinion, the city was issued an unmodified opinion which is the highest to be granted by an independent auditor. Mr. Pfeffer opined that the unmodified opinion is very important for bonding, state revenue sharing, etc. Mr. Pfeffer explained the city has improved its financial situation, staying within budget, and adding \$1.6 million to its fund balance. Mr. Pfeffer said in the last audit FY 23, the city added \$1.1 million, now with this audit FY 24 \$1.6 million was added. Mr. Pfeffer explained the financial statements under review are as of June 30, 2024. Mr. Pfeffer said under the direction from City Council and City Manager Whitt the post-retirement healthcare liability has not increased. The city received a grant from the State of Michigan and the post-retirement is now 60% funded, the State of Michigan looks at this along with the fund balance. Mr. Pfeffer said the city has paid off its debt, which places the city in a better financial position. Mr. Pfeffer said a lot has been accomplished and Council should be proud.

Mayor Ackley said she is thankful to have Mr. Pfeffer and his firm and thanked City Manager Whitt, Council, and staff for their hard work to realign the city finances.

CM 11-01-24 MOTION TO APPROVE RESOLUTION 2024-28 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALLED LAKE TO DIRECT AND AUTHORIZE THE INDEPENDENT AUDITORS TO FILE TIMELY, THE 2024 YEAR-END FINANCIAL STATEMENTS WITH THE STATE

Motion by Woods, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve resolution 2024-28 a resolution of the City Council of the City of Walled Lake to direct and authorize the independent auditors to file timely, the 2024 year-end financial statements with the state.

Roll Call Vote

Ayes (7) Ambrose, Fernandes, Loch, Lublin, Owsinek, Woods, Ackley
Nays (0)
Absent (0)
Abstain (0)

AUDIENCE PARTICIPATION

County Commissioner Dr. Ajay Raman said, unfortunately with the recent election, his campaign was 200 votes short. Commissioner Raman said he wanted to bid everyone farewell. He said he appreciates his time in this role, and he thanked the Council and administration for

their work. Commissioner Raman said if there is anything he could do to assist the city in the future to please reach out to him. Commissioner Raman thanked the residents of Walled Lake for their support.

Mayor Ackley said she hopes the city sees Commissioner Raman again soon and opined what a dedicated individual Commissioner Raman is.

Council Member Ambrose said Dr. Ajay Raman was an advocate for the region and the City of Walled Lake. He cannot thank him enough for being an advocate for the City of Walled Lake.

Mr. Daniel Stakhiv, Watermark Terrace LLC explained he was under the impression his project was going to be on the agenda, and he would be able to provide the Council with a presentation on the drawings he submitted to the city November 6, 2024 addressing outstanding items.

City Manager Whitt said if the Council wishes to do so, they can make a motion to do that.

Mayor Ackley asked if the Planning Commission meeting minutes have been approved yet.

Council Member and Planning Commission Member Owsinek said no they have not.

**CM 11-02-24 MOTION TO ALLOW PRESENTATION FROM WATERMARK
TERRACE LLC FOR THEIR PROPOSED COMMERCIAL
PLANNED UNIT DEVELOPMENT (PUD)**

Motion by Loch, seconded by Ambrose, CARRIED UNANIMOUSLY: Motion to allow presentation from Watermark Terrace, LLC for their proposed Commercial Planned Unit Development (CPD).

Roll Call Vote

Ayes (7) Fernandes, Loch, Lublin, Owsinek, Woods, Ambrose, Ackley
Nays (0)
Absent (0)
Abstain (0)

Mr. Daniel Stakhiv explained the proposal is in the C-3 zoning district and he is pursuing a Commercial Planned Unit Development (CPD). Mr. Stakhiv said they went before the Planning Commission and are before the Council to show they have addressed the parking, building height, and stormwater concerns. Mr. Stakhiv said they moved the sidewalk further north onto their property to allow parking up front adding additional spaces and added parking to Witherall. Mr. Stakhiv explained they did reach out to the church nearby for any overflow and to utilize while they are under construction. Mr. Stakhiv said the building height was finetuned and was reduced by a few inches. Mr. Stakhiv said the city's historic district allows 3 three stories and the new building should not exceed the height of the neighbors, the neighboring site to the east is three stories and the west is one story. Mr. Stakhiv explained there are newer requirements of

Oakland County for a 100-year storm versus 10-year, this is costly. Mr. Stakhiv said they want to work with the city. Mr. Stakhiv said they are pursuing a brownfield grant through Oakland County because of site contamination. Mr. Stakhiv explained stormwater management was discussed with the city's consultant engineer, Boss Engineering and their proposal now provides connecting to the city's systems, they are creating 240 linear feet of public stormwater, improving the infrastructure on the south side of Walled Lake Drive. Mr. Stakhiv explained they are fine tuning with the city engineer. Mr. Stakhiv said they are very excited about this project and are seeking approval to bring this vision to life.

Andrea Elich architect for the development explained she and Mr. Stakhiv met with city consultants on October 16th and discussion was held on public improvements to include parking, providing curb and gutter, 7 additional on street parking to coordinate with downtown special assessment plans, 240 linear feet of storm sewer along Witherall, connecting old to the new Phase 2 project at Mercer Beach, and a detention basin to meet city and county 100-year storm standards.

Mayor Pro Tem Woods said regarding the special assessment downtown there are no plans cemented right now.

City Manager Whitt said he will be meeting with the city engineer to review the results of the survey. City Manager Whitt clarified that the ongoing downtown work is separate from the current proposal under discussion. City Manager Whitt said the downtown survey work is under the direction and discretion of the City Council. City Manager Whitt said that a special assessment district will be developed for the upcoming year, which will involve a new way of funding. City Manager Whitt said he will be meeting with the City Attorney to discuss the specific requirements for establishing a special assessment district.

Alyssa Dean owner of Game and Company at 239 E. Walled Lake said she thinks the development idea is great, but parking is an issue for her. The parking downtown is dense in the summer months, we still need to have a place to walk downtown. Ms. Dean encouraged the City Council to review the impact of parking.

Nate Markou, 115 Arvida said he appreciates the plan and the applicant working with the city. Mr. Markou explained the applicant did not address the third story; the number of people they are putting down there will add to the density problems that already exist.

**CM 11-03-24 MOTION TO RECEIVE AND FILE TONIGHT'S PRESENTATION
FROM WATERMARK TERRACE, LLC**

Motion by Lublin, seconded by Loch, CARRIED UNANIMOUSLY: To receive and file tonight's presentation from Watermark Terrace, LLC.

Roll Call Vote

Ayes (7) Loch, Lublin, Owsinek, Woods, Ambrose, Fernandes, Ackley
Nays (0)
Absent (0)
Abstain (0)

APPROVAL OF MINUTES

1. Regular Council Meeting of October 15, 2024

**CM 11-04-24 MOTION TO APPROVE REGULAR COUNCIL MEETING AND
PUBLIC HEARING MINUTES OF OCTOBER 15, 2024**

Motion by Fernandes, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve regular council and public hearing meeting minutes of October 15, 2024.

Roll Call Vote

Ayes (7) Lublin, Owsinek, Woods, Ambrose, Fernandes, Loch, Ackley
Nays (0)
Absent (0)
Abstain (0)

COUNCIL REPORT

Council Member Fernandes said Parks and Recreation Chairman O'Rourke and Commissioner Johnson were present this evening and thanked them for attending. Council Member Fernandes invited all to attend the annual Tree Lighting Ceremony on December 2nd.

Council Member Lublin said the library board met, and newly appointed member Melissa Pawl was in attendance. The library will be participating in the Annual Tree Lighting ceremony, and he encouraged everyone to attend.

Council Member Ambrose said his family business has been a part of Walled Lake for 37 years, he welcomed the new Taco Bell at 800 N. Pontiac Trail, the new gym and salon; ERA at 1075 E. West Maple, and the new Mexican restaurant Rancho Tapatio at 674 N. Pontiac Trail.

Mayor Pro Tem Woods said he attended the Walled Lake Western Pink Out game, a great event raising funds for cancer. Mayor Pro Tem Woods said Watkins Flowers and Lynch and Sons helped sponsor the event.

Council Member Owsinek said the planning commission did not meet last week and had nothing to report.

MAYOR'S REPORT

Mayor Ackley said thank you to all who participated with the Mayor's Trunk or Treat, it is getting bigger every year and she is looking forward to the annual Tree Lighting on December 2nd.

CITY MANAGER'S REPORT

1. Consent Agenda of Written Departmental / Divisional Statistical Reports

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

CM 11-05-24 APPROVAL OF CITY MANAGER'S CONSENT AGENDA ITEMS

Motion by Ambrose, seconded by Loch, CARRIED UNANIMOUSLY: To approve City Manager's Consent Agenda items.

Roll Call Vote

Ayes (7) Owsinek, Woods, Ambrose, Fernandes, Loch, Lublin, Ackley
Nays (0)
Absent (0)
Abstain (0)

City Manager Whitt said the new Taco Bell and Rancho Tapatio are open. City Manager Whitt said the resurfacing of Ladd Road is complete and is also now striped. City Manager Whitt said the next task is placement of sidewalks from the trail area to Maple Road. City Manager Whitt said all six 3-D city gateway signs are up and look great. City Manager Whitt said thank you to the Police and Fire departments who responded recently to one of the worst events in the city and they responded extraordinary. City Manager Whitt said this event was unfortunate and two deaths were due to this accident.

Deputy Director Shakinas explained a tragic crash occurred on Pontiac Trail east of Decker Road. The crash involved a vehicle traveling at an excessive speed of 97 mph, which lost control, swerved off the road, and crashed head-on into an oak tree. The front passenger was killed instantly, and the rear passenger was extricated from the wreck and transported to the hospital where they later passed away. Deputy Director Shakinas clarified the driver of the vehicle was believed to be intoxicated at the time of the crash. The driver did not have a valid driver's license and is wanted by multiple jurisdictions on warrants. Deputy Director Shakinas said once the driver was released from hospital, the Department of Corrections took custody of him, and he is currently in jail.

Council Member Ambrose asked what time the crash occurred.

Deputy Director Shakinas said 1:30 am on a weekday, Tuesday.

City Manager Whitt said the vehicle was coming from a Walled Lake business, the very same business where, at the October City Council meeting he reported that security guards were brandishing long guns. City Manager Whitt said this makes no sense and raises concerns about safety, security and the questions about whether improper or abnormal actions are happening at this business. City Manager Whitt emphasized the city is following proper procedures to investigate the matter.

Council Member Loch asked about the Flock cameras, were they able to pick anything up from the incident.

Deputy Director Shakinas said the vehicle had a paper license plate tag with tinted windows, the Flock camera did not pick it up.

City Manager Whitt thanked Ms. Pesta for all her efforts with the Mayor's Truck or Treat event it was a great success.

CORRESPONDENCE

None

ATTORNEY'S REPORT

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Watermark Terrace – Commercial Planned Unit Development

- **To receive and File the Planning Commission Recommendation and Minutes of October 8, 2024 PC Case 315**

Discussed prior on the agenda.

2. Hours of Operation for Businesses within the City

Council Member Ambrose said he would like to have input from City Manager Whitt and City Attorney on hours of operation for businesses in the city.

City Manager Whitt said there is currently an ongoing investigation and discussion would be better held later.

City Attorney Vanerian explained some of our businesses are required to have a local business license per the city's code of ordinances. City Attorney Vanerian explained applicants are required to apply on a yearly basis, they can only operate for one year. After that they must apply for renewal. The city reviews the annual application and site for compliance, regulatory codes, are there any problems with business, etc. City Attorney Vanerian explained this is one means to regulate businesses. City Attorney Vanerian explained the city's marijuana businesses are required to do this. There may be other things in addition to this, with the business license, a tool better suited to doing the kinds of things the city wishes to do in these situations.

3. Proposed Resolution 2025-39 Cancellation of December Boards and Commission Meetings

CM 11-06-24 MOTION TO APPROVE 2024-39 A RESOLUTION OF THE CITY COUNCIL TO CANCEL THE REGULARLY SCHEDULED CITY COUNCIL MEETING OF DECEMBER 3, 2024 AND ALL BOARDS AND COMMISSION MEETINGS OF DECEMBER 2024

Motion by Loch, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve resolution 2024-39 a resolution of the City Council to cancel the regularly scheduled City Council meeting of December 3, 2024 and all Board and Commission meetings of December 2024.

Roll Call Vote

Ayes (7) Woods, Ambrose, Fernandes, Loch, Lublin, Owsinek, Ackley
Nays (0)
Absent (0)
Abstain (0)

4. Proposed Resolution 2024-40 Schedule of Regular Meeting for 2025 Calendar Year

CM 11-07-24 MOTION TO APPROVE RESOLUTION 2024-40 A RESOLUTION ESTABLISHING THE TIME, PLACE, AND THE 2025 SCHEDULE OF REGULAR MEETINGS FOR THE CITY OF WALLED LAKE PURSUANT TO THE CITY CHARTER; PROVIDING FOR PUBLICATION

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve resolution 2024-40 a resolution establishing the time, place, and the 2025 Schedule of Regular Meetings for the City of Walled Lake pursuant to the City Charter; providing for publication.

Roll Call Vote

Ayes (7) Ambrose, Fernandes, Loch, Lublin, Owsinek, Woods, Ackley
Nays (0)
Absent (0)
Abstain (0)

5. Proposed Resolution 2024-41 Termination of 457 (B) John Hancock Plan

Finance Director Pesta explained the city does not have any current employees in the plan and the city is charged an annual records fee. Finance Director Pesta presented resolution 2024-41 requesting an amendment to the plan authorizing its termination.

CM 11-08-24 MOTION TO APPROVE 2024-41 A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE TERMINATION AMENDMENT TO THE CITY OF WALLED LAKE 457 (B) JOHN HANCOCK RETIREMENT PLAN

Motion by Lublin , seconded by Fernandes, CARRIED UNANIMOUSLY: To approve resolution 2024-41 a resolution of the City Council authorizing the termination amendment to the City of Walled Lake 457 (B) John Hancock Retirement Plan.

Roll Call Vote

Ayes (7) Fernandes, Loch, Lublin, Owsinek, Woods, Ambrose, Ackley
Nays (0)
Absent (0)
Abstain (0)

6. Watermark Terrace, LLC

CM 11-09-24 MOTION TO INSTRUCT THE CITY MANAGER AND THE CITY ATTORNEY TO BEGIN DRAFTING A POTENTIAL COMMERCIAL PLANNED UNIT DEVELOPMENT (CPD) AGREEMENT FOR WATERMARK TERRACE LLC

Motion by Lublin, seconded by Loch, MOTION CARRIED: To instruct the City Manager and the City Attorney to begin drafting a potential Commercial Planned Unit Development (CPD) Agreement.

Discussion

Council Member Loch said she felt it was early in the process to draft anything.

Council Member Lublin explained this is a required process and to keep the process going.

Mayor Ackley asked if the city needs to wait for the survey work.

Mayor Pro Tem Woods asked when the survey was going to be available.

City Attorney Vanerian said there will be required reviews from the city consultants on the applicant's proposal that will be provided to Council as part of a complete package. The process is still occurring.

Council Member Owsinek said the downtown city survey will not preclude Watermark Terrace moving forward, it is separate.

Council Member Ambrose said if the city does not follow the process, developers will move along, he said he will vote yes on continuing the process, not the construction starting tomorrow, but continuing the process to work with the developer to see what can be achieved.

City Manager Whitt said he has no objection to Council Member Lublin's motion; it moves the project forward in the required process. City Manager Whitt said administration will be reporting back to the Council. City Manager Whitt explained as for the downtown survey and special assessment district (SAD), administration may not be prepared even by the next meeting to present on the SAD. City Manager Whitt said the SAD discussions will occur with or without the Watermark Terrace LLC development or any development, they are independent separate items. City Manager Whitt said the motion by Council Member Lublin was not an approval, Council can move it ahead for discussion by accepting the motion. City Manager Whitt said it is not city administration or Council's role to help in financing, this is not the role of the city to be involved in that.

Council Member Loch asked for clarification on a yes vote and no vote, if yes, the Council is just agreeing to continue conversation with the developer.

City Manager Whitt said yes and explained the motion by Council Member Lublin still applies, if the Council votes to move ahead tonight, the proposal can be brought back to the Council on the next agenda, which will be the January meeting. City Manager Whitt explained the Council is creating a record to move the applicant to the next step.

Council Member Lublin said yes that is the intent of his motion, to continue discussions.

Roll Call Vote

Ayes (4)	Loch, Lublin, Ambrose, Fernandes
Nays (3)	Owsinek, Woods, Ackley
Absent (0)	
Abstain (0)	

COUNCIL COMMENTS

Council Member Loch said thank you to the administration and staff and wished everyone a safe holiday season.

Council Member Fernandes said thank you to City Manager Whitt and staff, the audit is great. It is so nice to move forward to make the city the great place that it is.

Council Member Lublin said the audit was outstanding, the city is debt free, wished everyone a great holiday season and reminded all about the annual Tree Lighting Monday December 2nd, it's a great event.

Council Member Ambrose said staff continues to do a phenomenal job, City Manager Whitt, City Attorney Vanerian, thank you. Council Member Ambrose said it is an exciting time to be in the city a lot has changed for the better.

Council Member Owsinek said he would like to recommend a satisfactory performance evaluation for City Manager Whitt and City Attorney Vanerian.

**CM 11-10-24 TO FIND AND DETERMINE THE CITY MANAGER'S AND THE
CITY ATTORNEY'S ANNUAL PERFORMANCE REVIEW
DURING THE CALENDAR YEAR OF 2024 WAS SATISFACTORY**

Motion by Owsinek, seconded by Woods, CARRIED UNANIMOUSLY: To find and determine the City Manager's and the City Attorney's annual performance review during the calendar year of 2024 was satisfactory.

Roll Call Vote

Ayes (7) Owsinek, Woods, Ambrose, Fernandes, Loch, Lublin, Ackley
Nays (0)
Absent (0)
Abstain (0)

Mayor Pro Tem Woods said the city clerk hosted a great election; turnout was great. Mayor Pro Tem Woods said thank you to the fire department as he had a neighbor who had a gas leak issue, and the fire department services were extraordinary.

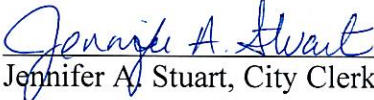
City Manager Whitt praised the city staff for running a smooth election and congratulated City Clerk Stuart on an outstanding election.

MAYOR'S COMMENTS

Mayor Ackley said she echoed her fellow members and thanked City Manager Whitt and city staff stating we all work together for the betterment of Walled Lake. Mayor Ackley wished everyone a Merry Christmas and a happy holiday season, hoping all are safe during this season.

ADJOURNMENT

Meeting adjourned at 9:00 p.m.



Jennifer A. Stuart, City Clerk

Linda S. Ackley, Mayor

Approved 2/18/25