



**CITY OF WALLED LAKE**  
**PUBLIC HEARING**  
**AND**  
**REGULAR COUNCIL MEETING**  
**TUESDAY, OCTOBER 15, 2024**  
**7:30 P.M.**

City Clerk Stuart welcomed everyone to the regularly scheduled October 15<sup>th</sup> City Council meeting and Public Hearing 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.

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**

*None*

**PUBLIC HEARING**

**1. Community Development Block Grant Program Year 2025**

- **Request for Approval of the Recommendation of CDBG Funds for Program Year 2025**

City Clerk Stuart explained the approximate grant amount will be \$28,158.

Open for Public Hearing 7:35 p.m.

Fire Chief Gonzalez explained the purchase would be a rescue combo tool made by the Hurst Jaws of Life Corporation. Fire Chief Gonzalez said the department currently utilizes is 12 years

old. Fire Chief Gonzalez explained the new equipment is a combination tool with a cutter and a spreader in one unit, and it is lighter. Fire Chief Gonzalez explained the current tools are separate units each weighing approximately 50 lbs. The new combination tools weighs 40 lbs. providing multiple attachments to allow forcible entry into buildings and the ability to cut chains and padlocks all a necessity during a fire rescue.

Close Public Hearing 7:38 p.m.

**CM 10-01-24 MOTION TO APPROVE THE RECOMMENDATION OF CDBG FUNDS FOR THE PROGRAM YEAR 2025 ARE \$6,158 TO HAVEN TO ASSIST DOMESTIC VIOLENCE VICTIMS AND THEIR CHILDREN AND SEXUAL ASSAULT SURVIVORS AND \$22,000 TO FIRE STATION EQUIPMENT FOR THE PURCHASE OF HURST JAWS OF LIFE COMBINATION TOOL**

Motion by Woods, seconded by Loch, UNANIMOUSLY CARRIED: To approve the recommendation of CDBG funds for the program year 2025 are \$6,158 to HAVEN to assist domestic violence victims and their children and sexual assault survivors and \$22,000 to Fire Station Equipment for the purchase of Hurst Jaws of Life combination tool.

Roll Call Vote

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

**PRESENTATION**

**1. Proposal of Planned Unit Development at 1215 Decker Road**

Mr. Andrew Eckert of Ghafari Associates explained he is before the City Council at the request of property owner Mr. Abro who owns the vacant lot at 1215 Decker Road. Mr. Eckert explained the site is 8.5 acres zoned I-1 Limited Industrial. Mr. Eckert said the site has constraints such as three wetland areas and Consumer's Energy easements. Mr. Eckert said the owner wishes to develop as residential with four buildings, 27 units each, one-to-two-bedroom studio units. Mr. Eckert asked the Council how to proceed, possible rezoning, or a Planned Unit Development process. Mr. Eckert explained the site has constraints and the owners want to best utilize the lot with those constraints.

Mayor Ackley asked if the city consultants and planners have had input. Ms. Jaquays explained the planning department has not reviewed conceptually or otherwise. Mayor Ackley said she would like more information from the consultant city planners and engineers.

Council Member Ambrose said he agrees, and the first step is having the planners provide council reviews.

City Manager Whitt said there were proposals before on this parcel, there was push back from the neighbors, and the applicant never came back. City Manager Whitt explained there is an easement and possibly underground utility structures on the site. City Manager Whitt explained the site is zoned industrial, but it must go through planning and then to council. The city attorney will also be reviewing the process for rezoning if need be. City Manager Whitt said the council should refer to the planning commission for required review and comment.

**CM 10-02-24 TO REFER THE 1215 DECKER ROAD PROPOSAL TO THE PLANNING COMMISSION AND CONSULTANTS FOR REVIEW AND COMMENT**

Motion by Lublin, seconded by Owsinek, UNANIMOUSLY CARRIED: To refer the 1215 Decker Road proposal to the Planning Commission and consultants for review and comment.

Roll Call Vote

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

**AUDIENCE PARTICIPATION**

Tracey Millman, 741 Woods Court requested to be on the council agenda. Ms. Millman explained she is speaking about the watershed and the proposed 7-Eleven. Ms. Millman said she brings facts and knowledge. Ms. Millman explained parties are responsible for following through on all the laws. This would have been at the expense of the permit holder. Ms. Millman explained that there is a floodplain and wetlands which is part of the Huron Watershed, it is a floodplain. It is part of the Lake Huron Watershed system, which feeds through six different lakes. Ms. Millman said she noticed the police department's backyard, which was recently redone for drainage. Ms. Millman explained when you put a double cement swimming pond in there, it will negate everything we just paid for that improvement. Ms. Millman opined nobody has pursued to protect the public. Ms. Millman said all of this must be provided by the permittee. Ms. Millman explained she will not go away and will continue to pursue stopping this development.

Margaret DeCourcy, 821 N. Pontiac Trail – said many attending tonight not only oppose the 7-11 proposal but have already experienced flooding. Now you propose to place replace the floodplain with cement. Ms. DeCourcy said these issues are not opinions but cold hard facts.

Mark Deiderich, 246 Liberty – said the overflow parking that utilizes his lot downtown is tremendous, and the city is going to add another development downtown that would be horrible. He said he will be taking protective measures to prevent public parking in his lot.

Ms. Gross, 1316 Leon said she was told the proposed development at the beach was going to be on tonight's agenda. She said a lot of the public here tonight are here to discuss this development.

Randy Champe, 1275 Leon – said his family has been in Walled Lake for 150 years. He said he also thought the development was on the council agenda for this evening. He asked for clarification on the stage of the development downtown across from the beach. Has the development been approved. Mr. Champe opined the Beachwood development created a mosquito nursery, pollution and destroyed the area where he lives.

City Manager Whitt explained the Watermark Terrace proposal is not on the agenda this evening and it has not been approved; the proposal is still in discussions.

Ms. Jaquays explained the Watermark Terrace proposal has gone before the Planning Commission for the required public hearing for their Commercial Planned Unit Development proposal. The proposal is a three-story building featuring residential and commercial. The Planning Commission did forward and recommend approval to the City Council. Ms. Jaquays said the proposed plan is with staff, if approved, the City Attorney will be required to draft an agreement, the consultants, engineering, and planning will provide reviews.

City Manager Whitt explained parking, height, and stormwater must be addressed. City Manager Whitt explained there are ways to develop that parcel with a Commercial Planned Unit development agreement. City Manager Whitt explained the city can negotiate. He explained the misconception and misstatement of the city going around the zoning ordinance, is false. City Manager Whitt explained the zoning ordinance provides for this kind of activity. City Manager Whitt said the council has not approved anything. City Manager Whitt said the council has been through development proposals for this site before, the prior applicants were not willing to negotiate and make it acceptable to the residents and the council denied them. City Manager Whitt explained the developers are working to address the concerns. City Manager Whitt explained the vote on this development will ultimately be with the council.

Jeannette DeCourcy, 773 Woods Court – said she is concerned with neighbors and consistent speeding, loud activity, nuisances and bullying. Ms. DeCourcy asked for regular police patrols.

City Manager Whitt explained the city is aware of this home and its occupants, it is being reviewed, there is a process, but it is slow. City Manager Whitt said there is some arrogance with the youth of this site.

Public Safety Deputy Director Shakinas explained the courts have been provided with the tickets and they have a process to follow.

Nathan Markou, 115 Arvida – said a lot of people are here with questions for the Watermark Terrace proposal. Mr. Markou said the applicant told them they would be before the council tonight and that is why they are here. Mr. Marco said the applicant lied. Mr. Markou said the applicant told them they would get everything in line and get it done quickly. They didn't even know who the person was selling the property. Mr. Markou said he wants the Council to remember that because they're going to come with a lot more lies. Mr. Markou explained the city has a lot of great business owners here who've been here for a very. Mr. Markou said the applicant did not provide the city with any benefits from its proposal.

Tina Thurston, 1344 Delta – said she wanted to thank the police for being in the neighborhoods a lot more since school started. She said there is a huge increase of police presence in the neighborhoods. She explained her concerns tonight are with the vape stores in the city and how many more will be permitted. Ms. Thurston said the stores are selling to under aged people. Ms. Thurston asked council to stop giving approvals for the vape stores. Ms. Thurston said the Watermark Terrace development will increase the traffic and she along with her son have almost been hit in front of the Green House several times. Ms. Thurston said the tax revenue will increase, but enough is enough she moved to Walled Lake for the small-town feel and has been here for almost 30 years. Ms. Thurston asked when this comes to a vote, look at how much is getting destroyed.

Christy Brown Ambrose, 440 E. Walled Lake said she has been a lifelong resident of Walled Lake. She said she was disappointed to hear some misconceptions about the current situation of the proposal. Mrs. Ambrose said the vacant parcel we speak about has become a public nuisance. She explained she lives within 200 feet of that parcel, and she has experienced firsthand the negative impacts that parcel has caused her family, her neighbors, the littering, the overnight sleeping, the barbecues, the dangerous activities that go on during the weekends down there. Mrs. Ambrose opined these issues have significantly impacted our quality of life in Walled Lake. Mrs. Ambrose said she would like to see the parcel developed once the parcel is occupied, this should slow the usage down of the public beach and there shouldn't be as much free parking as there currently is in the community. These people that are using that parcel and that parking, they're not from around here. They're not even from our neighboring communities. They're coming from God knows where and it is scary. Mrs. Ambrose said the emptied booze bottles end up on her front lawn. Mrs. Ambrose said she can understand property is cost prohibited to build. Mrs. Ambrose said seeing condos versus building rental properties, I understand why the developer needs three stories versus 2 due to the city's Master Plan being so outdated. Mrs. Ambrose said as for parking, this parcel is adding enough parking for the residents and their daily usage of commercial space. Mrs. Ambrose said the city should not make their problem the developers' problem. Mrs. Ambrose said she understands that there is currently a study being done downtown and it's very possible more parking, widening of sidewalks, and better drainage will be recommended. Mrs. Ambrose said putting the developer on the wayside due to the study not being complete says to her that the City Council doesn't know what they have downtown, and they're putting the issue on the developer. Mrs. Ambrose said she urges the council to support the development, it represents a positive step for the community addressing long standing issues and promoting economic growth.

Dr. Mital Amin, 415 E. Walled Lake said she is the home right next to that proposed project and she disagrees with what was just said. Dr. Amin said she is a developer, and she develops projects herself. Dr. Amin said the City Council absolutely has the power to grant approval of the Commercial Planned Unit Development if it provides significant benefit to the community and the developer must show that. Dr. Amin said the improvement of the property is consistent with the area; otherwise, it will be an undue financial hardship now with the transient population. Dr. Amin said she experiences all the transient people coming into this area and the garbage that blows into her yard too. Dr. Amin said we do need the development, but there is no reason to allow it to be 3 stories or to allow that many apartments. Dr. Amin said she knows what would fit that lot and it is cheaper to build 6 condos that are stacked, providing over 2,500 square foot per condo with garages and offer 7,600 square foot office space. Dr. Amin said Watermark Terraces disagree with the ordinances concerning the number of onsite parking and maximum building sites by proposing three stories. Dr. Amin said state law dictates, but Watermark Terrace simply just want to build more apartments on that lot. Dr. Amin said there will be a petition and any number of businesses that will say that waiving 50% of the parking is not going to be beneficial to the city. Dr. Amin said it is up to the developer per state law to provide financial information and details that it would be an undue hardship to use the current driveway. Dr. Amin said the applicant must prove undue economic burden for them not to be able to simply do 6 multi store units versus, it's their choice of three story. Dr. Amin said yes, it would be more profitable for them to just build an apartment and flip it every month, but it has been proven that with the transient population they do not contribute to the downtown. Walled Lake local businesses and the transients have put even more of a burden on our police. Dr. Amin said she emailed all of this to the City Council and if necessary, a writ of mandate challenging any approval that the variance requests is going to be filed with the courts to ensure that the Walled Lake City Council follow the proper process and procedures. Dr. Amin said the legal precedence's have also been sent to the city lawyer.

## **APPROVAL OF MINUTES**

### **1. Regular Council Meeting of September 17, 2024**

#### **CM 10-03-24 MOTION TO APPROVE REGULAR COUNCIL MEETING OF SEPTEMBER 17, 2024**

Motion by Owsinek, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve regular council meeting minutes of September 17, 2024.

#### **Roll Call Vote**

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

## COUNCIL REPORT

Council Member Owsinek explained at the last Planning Commission meeting, the commission approved the site plan and special land use for the proposed 7-Eleven / Speedway development at Maple and Decker Road. Council Member Owsinek said the commission recommended approval and forwarded the Watermark Terrace proposal to the city council for review. Council Member Owsinek explained the City Attorney will be reviewing all the requirements, the height variance requests, parking, and storm water retention issues. Council Member Owsinek said there is no approval from the Council this evening, this is a preliminary report to council.

Council Member Lublin said the Library Board will be meeting this Friday. Council Member Lublin explained all the library's materials are now electronically tagged to keep track of and indexing. Council Member Lublin explained The Library Network (TLN) did this at no cost to the library. Council Member Lublin said the Walled Lake Library offers great programs every month such as the Retro Recipe Taste off, Plato Party, Silent Book Club, story hour, art exhibits and all our invited all to attend.

Council Member Fernandes said the Parks and Recreation Commission met and there are 3 more markets to come that will finish off the season. Council Member Fernandes said the Walled Lake Market Place is always busy and full, we hope to grow it more. The Harvest Festival was last week and what she heard from Walled Lake patrons, was that it was great and enjoyable. Council Member Fernandes said the annual Tree Lighting is scheduled for December 2<sup>nd</sup> and will be held at the Casey J. Ambrose Public Safety Campus.

Mayor Pro Tem Woods said he attended the Walled Lake Western grand reopening along with Council Members Ambrose and Fernandes, it was a great evening. Mayor Pro Tem Woods said he also attended the Walled Lake cemetery talk with the Historical Society.

## MAYOR'S REPORT

Mayor Ackley reminded everyone of the annual Mayor's Trunk or Treat on October 27<sup>th</sup> and said it is a very special event, the kids truly love it and invited all.

## CITY MANAGER'S REPORT

1. **Consent Agenda of Written Departmental / Divisional Statistical Reports**
  - a. **Police**
  - b. **Fire**
  - c. **Finance**
    - Warrant
  - d. **Code Enforcement**

**CM 10-04-24 APPROVAL OF CITY MANAGER'S CONSENT AGENDA ITEMS**

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

Roll Call Vote

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

Ms. Jaquays explained the proposed drive through Starbucks, received the Planning Commission approvals, the applicant is working with county authorities and Road Commission for their approvals. DPW Superintendent Ladd explained the left turn access is of conflict.

City Manager Whitt said if the county does not kill the project, the city will have a drive thru Starbucks. City Manager Whitt said the 7-11 development at Maple and Decker Road, the city council has heard what they are doing wrong. City Manager Whitt explained the Michigan Endangered Species Act does allow an individual to file a complaint. City Manager Whitt said the project is moving ahead, the city did not violate anything, the Planning Commission did not violate anything. City Manager Whitt explained there is a Michigan Act to appeal or file a complaint. City Manager Whitt said there are no violations, and the city is moving forward, there is no duty to do all that work mentioned earlier, ahead of time. City Manager Whitt explained the site at 800 N. Pontiac Trail is very close to paving and outside beautification is moving fast. City Manager Whitt said there was a fire at the gazebo in Riley Park. The gazebo was 25 years old and due to the fire it is not suitable for repair based on the rot and the damage that was done, this just underscored how old it was. The city will be taking it down, it is no longer usable. City Manager Whitt said he would like to give thanks to the Walled Lake Police Department, Fire Department and Public Works Department, the departments assisted in a hit and run that took a young life and severely injured other family members in March 2023. City Manager Whitt said the assailants of that fatal accident were at the time age 15 and age 19. City Manager Whitt explained the 15-year assailant was prosecuted as an adult, was sentenced to jail, the prosecutor was not liberal and did a good job. City Manager Whitt said the 19-year-old had outstanding warrants for child pornography and is also in jail. City Manager Whitt said these individuals are currently in jail, these assailants destroyed lives and families. City Manager Whitt said the Walled Lake Police Department along with the Sheriff's Department put together the package. They did not give up. City Manager Whitt said the Police Department did a great job. The Fire Department did a great job. The Public Works Department did a great job. City Manager Whitt said there is no sympathy for these assailants.

**CORRESPONDENCE**

*None*



**ATTORNEY'S REPORT**

*None*

**UNFINISHED BUSINESS**

*None*

**NEW BUSINESS**

**1. Proposed Resolution 2024-34 Delinquent Nuisance Receivables Winter 2024 Tax Roll**

**CM 10-05-24 MOTION TO APPROVE 2024-34 A RESOLUTION APPROVING THE 2024 DELINQUENT NUISANCE RECEIVABLES TO BE PLACED ON THE 2024 DECEMBER CITY OF WALLED LAKE TAX ROLL**

Motion by Woods, seconded by Fernandes, UNANIMOUSLY CARRIED: To approve resolution 2024-34 a resolution approving the 2024 delinquent nuisance receivables to be placed on the 2024 December City of Walled Lake Tax Roll.

Roll Call Vote

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

**2. Proposed Resolution 2024-35 Drain Special Assessments Winter 2024 Tax Roll**

**CM 10-06-24 MOTION TO APPROVE 2024-35 A RESOLUTION APPROVING THE 2024 SPECIAL ASSESSMENTS FOR REPAIR AND MAINTENANCE OF THE GREENAWAY DRAIN, LEON DRAIN, AND TAYLOR-LADD DRAIN TO BE PLACED ON THE 2024 DECEMBER CITY OF WALLED LAKE TAX ROLL**

Motion by Loch, seconded by Owsinek, UNANIMOUSLY CARRIED: To approve resolution 2024-35 a resolution approving the 2024 special assessments for repair and maintenance of the Greenaway Drain, Leon Drain, and Taylor-Ladd Drain to be placed on the 2024 December City of Walled Lake Tax Roll.

Roll Call Vote

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

**COUNCIL COMMENTS**

Council Member Lublin said the density along with the parking issues need to be reviewed.

Council Member Fernandes thanked the public for coming out and reminded everyone about the annual tree lighting ceremony on December 2, 2024.

Council Member Ambrose reminded everyone of Mayor Ackley's Trunk or Treat October 27<sup>th</sup>, it is a great event and is excited to see everyone down there for the event.

Council Member Loch said she would like to thank the audience for coming, providing their thoughts, and information. You have been heard and are appreciated. It is taken into consideration.

Council Member Owsinek said thank you to the audience, council needs their input. We have a job to do and a process to follow. The Planning Commission has a process for the benefit of the citizens and applicant to be treated fairly. Council Member Owsinek said it is ultimately the City Council who will approve or disapprove the Watermark Terrace proposal.

Mayor Pro Tem Woods said he echoed his fellow members, it is a process, the process must be followed, and he appreciates everyone coming up to speak. Mayor Pro Tem Woods said the work done at the cemetery by the Public Works Department is great. Mayor Pro Tem Woods said he has been told the Glenwood Court trash pick has improved. He thanked the City Clerk and staff for the work done behind the scenes for the upcoming election.

**MAYOR'S COMMENTS**

- 1. Proposed Resolution 2024-36 Mayor's Nomination and Appointment of Melissa Pawl to the Library Board**

CM 10-07-24 **MOTION TO APPROVE 2024-36 A RESOLUTION ACCEPTING THE MAYOR'S NOMINATION TO APPOINT MELISSA PAWL TO THE LIBRARY BOARD PURSUANT TO THE REQUIREMENTS OF THE CITY CHARTER: MAKING AN APPOINTMENT TO THE LIBRARY BOARD**

Motion by Fernandes, seconded by Ambrose, UNANIMOUSLY CARRIED: To approve resolution 2024-36 a resolution accepting the Mayor's Nomination to appoint Melissa Pawl to the Library Board pursuant to the requirements of the City Charter; making and appointment to the Library Board.

Roll Call Vote

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

**2. Proposed Resolution 2024-37 Mayor's Nomination and Appointment of Patrick Linihan to the Parks and Recreation Commission**

**CM    10-08-24      MOTION TO APPROVE 2024-37 A RESOLUTION ACCEPTING THE MAYOR'S NOMINATION TO APPOINT PATRICK LINIHAN TO THE PARKS AND RECREATION COMMISSION PURSUANT TO THE REQUIREMENTS OF THE CITY CHARTER; MAKING AN APPOINTMENT TO THE PARKS AND RECREATION COMMISSION**

Motion by Lublin, seconded by Loch, UNANIMOUSLY CARRIED: To approve resolution 2024-37 a resolution accepting the Mayor's nomination to appoint Patrick Linihan to the Parks and Recreation Commission pursuant to the requirements of the City Charter; making an appointment to the City of Walled Lake Parks and Recreation Commission.

Discussion

Council Member Fernandes said Mr. Linihan has been attending the Parks and Recreation Commission meetings. She said he provides comments and good advice. Council Member Fernandes said Mr. Linihan will be a terrific member and will make the commission stronger.

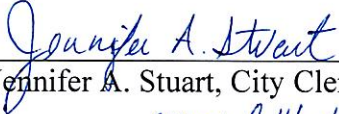
Roll Call Vote

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

Mayor Ackley said letting property sit to be used for the use that day is not good for the community. The council works together to move this city forward,

**ADJOURNMENT**

Meeting adjourned at 9:14 p.m.

  
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Jennifer A. Stuart, City Clerk  
*approved 11/9/24*

\_\_\_\_\_  
Linda S. Ackley, Mayor

**History:** Chapter 6, The Council: Procedure and Miscellaneous Powers and Duties: *Section 6.7 (a) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and Clerk of the meeting.*