



**CITY OF WALLED LAKE
REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 20, 2022
7:30 P.M.**

Confidential Assistant Ms. Hana Jaquays welcomed participants to the hybrid meeting. Ms. Jaquays introduced city staff and board members attending the meeting; City Officials, City Attorney Vanerian, City Clerk Stuart, Finance Director Pesta, HR Administrator/Deputy City Clerk Gross, DPW Superintendent Ladd, Fire Marshal Gonzalez, Police Chief Shakinas, Deputy Chief Kolke.

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

PLEDGE TO FLAG & INVOCATION

Invocation by Mayor Pro Tem Lublin.

ROLL CALL

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

Those attending the meeting virtually attended from Walled Lake, Oakland County.

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

OTHERS PRESENT

City Manager Whitt, Confidential Assistant Jaquays, Finance Director Pesta, HR Administrator/Deputy Clerk Gross, Police Chief Shakinas, Deputy Police Chief Kolke, Fire Marshal Gonzalez, City Attorney Vanerian, DPW Superintendent Ladd, and City Clerk Stuart

REQUESTS FOR AGENDA CHANGES

AUDIENCE PARTICIPATION

Ruth Stice, 541 Winwood, explained the traffic along Pontiac Trail and Winwood Drive needs to have more police presence. Ms. Stice said drivers are passing vehicles, motorcycles are doing tricks, and people are speeding. Ms. Stice said the speed limit signs were taken down. Ms. Stice said people do not stop and she wants more police presence in that area. Ms. Stice explained the abandoned church on Nicolet needs to be addressed. Ms. Stice explained there are random people hanging out there and smoking pot. Ms. Stice said these people need to be ticketed.

Tomas Tourikis, 553 Winwood Court, explained Winwood is a private residence. Mr. Tourikis said he has spoken with the Oakland County Tax assessor, he pays the same tax as everyone else,

and their private residence does not receive the same services, such as snow removal and branch chipping services.

APPROVAL OF MINUTES

1. Regular Council Meeting of August 16, 2022

CM 09-01-22 MOTION TO APPROVE REGULAR COUNCIL MEETING MINUTES OF AUGUST 16, 2022

Motion by Fernandes, seconded by Woods, UNANIMOUSLY CARRIED: To approve regular council meeting minutes of August 16, 2022.

Roll Call Vote

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

COUNCIL REPORTS

Council Member Owsinek explained at the last Planning Commission meeting two lot splits were addressed. Council Member Owsinek explained both were approved with contingencies.

Mayor Pro Tem Lublin explained the Library Board met last Friday. Mayor Pro Tem Lublin explained the library's technologies have improved with new purchases and now the board is moving toward improving the library's aesthetics. Mayor Pro Tem Lublin explained the board will be submitting to the council a request for budget appropriations for capital improvements for new bookshelves, carpeting, and other items.

Council Member Fernandes explained the Parks and Recreation Commission met last Monday. Council Member Fernandes explained the summer concert series has ended for the season and it was successful. Council Member Fernandes said the new play structure at Riley Park has been very well received. Council Member Fernandes said the commission is focused now on improvements to the gazebo at Riley Park.

CITY MANAGER'S REPORT

1. Departmental / Divisional Statistical Reports

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

CM 09-02-22 MOTION TO RECEIVE AND FILE THE DEPARTMENTAL / DIVISIONAL STATISTICAL REPORTS

Motion by Loch, seconded by Ambrose, UNANIMOUSLY CARRIED: To receive and file the departmental/divisional statistical reports.

Roll Call Vote

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

2. Western Oakland Transportation Authority (WOTA)

City Manager Whitt asked Ms. Jaquays, the city's voting WOTA member, to provide an update to the council.

Ms. Jaquays explained there is a millage proposal on the November 8, 2022 ballot, and copies of the language were provided in the council packet. Ms. Jaquays explained that Oakland County Executive Mr. David Coulter attended today's annual State of Lakes luncheon and spoke on this item. Ms. Jaquays explained she had the opportunity to speak with him about the millage. Ms. Jaquays explained Walled Lake is a member of the Western Oakland Transportation Authority (WOTA) and that the proposed millage if passed, will receive 2 million dollars.

City Manager Whitt explained there are beliefs it should be a countywide operating system versus multiple local systems. City Manager Whitt explained he prefers county-wide transportation; it is much more beneficial to the user. City Manager Whitt explained, however, it is not always cheaper. City Manager Whitt explained the city must be careful. City Manager Whitt explained as Oakland County becomes more and more populated it will be beneficial to have the county oversee. City Manager Whitt opined we need to pay attention to empire-building within local government versus across-the-board countywide management. City Manager Whitt asked how we will provide services to residents if this millage does not pass.

CORRESPONDENCE None

ATTORNEY'S REPORT

City Attorney Vanerian explained the lawsuit initiated by denied marijuana applicant BDS was unsuccessful in their lawsuit against the City of Walled Lake. City Attorney Vanerian explained that the denied applicant, BDS, issued two lawsuits against the city: one seeking monetary damages and the other for the denial of a city business license. City Attorney Vanerian explained the lawsuit seeking monetary damages was stayed by the courts, as it depended on the outcome of the licensing lawsuit. City Attorney Vanerian explained once the Supreme Court affirmed the city's denial of the BDS application leading to the other lawsuits seeking monetary damages

were frivolous. City Attorney Vanerian opined the Supreme Court upheld the city's denial. City Attorney Vanerian explained that today, BDS voluntarily dismissed the one remaining lawsuit seeking monetary damages. City Attorney Vanerian explained the courts still need the stipulated order of the dismissal entered.

1. Confidential Attorney-Client Communication – City of Walled Lake v Aqua Grill Inc. et al OCCC Case No. 21-190672-CZ

City Attorney Vanerian explained last year council authorized litigation to collect a past-due water bill. City Attorney Vanerian explained there was a mediation meeting that occurred about a month ago with himself, City Manager Whitt, Ms. Jaquays, and WRC representative Mike Kasanic in attendance. City Attorney Vanerian explained the mediator was Mr. Tom Ryan and there was a resolution that was reached between the two parties. City Attorney Vanerian explained there were details provided to the council via confidential attorney-client communications. City Attorney Vanerian explained there is no council action required.

2. Status Report – City of Walled Lake v Dufresne. Et al OCCC Case No. 22-194278-CE

City Attorney Vanerian explained the demolition of the abandoned uninhabitable structure on Bolton Street will be demolished shortly. City Attorney Vanerian explained this home sustained heavy storm damage, has been abandoned for over a year, and the owner was noncompliant in getting the property cleaned up.

City Manager Whitt asked DPW Superintendent Ladd for an update on the progress of the demolition.

DPW Superintendent Ladd said a contractor for the demo was selected and the bid was awarded to Milford Salvage. Mr. Ladd said all the utilities have been contacted and wrecking clearances are being sought. Mr. Ladd explained WRC retired the line and when the property is eventually developed, a one-inch service line will be required.

City Manager Whitt said the cost for the demolition is \$15,000 and will include the removal of everything on the site, making it a pristine lot. City Manager Whitt opined the neighborhood deserves this damaged uninhabitable structure to be removed.

Mayor Ackley asked if the \$15,000 would be placed as a lien on the tax bill.

City Attorney Vanerian said yes.

City Manager Whitt requested a motion from the council approving the \$15,000 appropriation.

**CM 09-03-22 MOTION TO APPROVE APPROPRIATION OF \$15,000 TO
DEMOLISH AND CLEAN UP THE SUBJECT PROPERTY**

Motion by Loch, seconded by Lublin, UNANIMOUSLY CARRIED: To approve appropriations of \$15,000 to demolish and clean up the subject property.

Roll Call Vote

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

UNFINISHED BUSINESS None

NEW BUSINESS

- 1. First Reading C-363-22 Boards and Commission Ordinance Amendment –
Chapter 26 Community Development, Article II
Chapter 54 parks and Recreation, Article II
Chapter 58 Planning, Article II**

Mayor Ackley said she is not in favor of someone being able to continually serve with no reappointment.

City Manager Whitt said there needs to be a motion for the first reading and then a discussion

**CM 09-04-22 MOTION TO APPROVE FIRST READING C-363-22 AN
ORDINANCE TO AMEND CHAPTER 26,
“COMMUNITY DEVELOPMENT”, ARTICLE II
“DOWNTOWN DEVELOPMENT AUTHORITY”
AND ARTICLE III “PLANNING COMMISSION”;
CHAPTER 58 “PLANNING”, ARTICLE II
PLANNING COMMISSION”; CHAPTER 54 “PARKS
AND RECREATION”, ARTICLE II “PARKS AND
RECREATION COMMISSION” AS PROVIDED IN
THIS ORDINANCE**

Discussion

Council Member Fernandes explained the state does a reappointment each time and that it is good to be consistent.

Mayor Pro Tem Lublin explained that the city council can decline the recommendation for reappointment. Mayor Pro Tem Lublin wanted to clarify that the Mayor would be reappointing individuals and it will still be subject to council approval.

Mayor Ackley said rather than automatic reappointment renewal, she would prefer reappointment by the Mayor and subject to council approval each time, not an automatic renewal.

City Manager Whitt said the situation now is if the Mayor has not made a nomination, they continue in office. City Manager Whitt explained an automatic reappointment leaves the Mayor out of the loop altogether. City Manager Whitt explained the boards and commissions have people who just continue. City Manager Whitt explained legally it would appear, whenever that happens the Mayor could nominate and fill that spot because that person was never reappointed.

City Manager Whitt explained some people have not resigned from their positions, but they are also not attending the meetings. City Manager Whitt said the Planning Commission is an example. This ordinance is a way to begin the remedy to this.

Mayor Ackley said she agrees but she is not in favor of automatic reappointment.

City Manager Whitt explained there is a motion on the floor and an amendment can be made if the council chooses.

Mayor Ackley asked for the amended motion to remove the proposed new section to item (b) of section 26-27.

CM 09-05-22 MOTION TO AMEND TO APPROVE FIRST READING OF C-363-22 AND INSTRUCT THE CITY ATTORNEY TO AMEND THE ORDINANCE TO REMOVE PROPOSED NEW SECTION TO ITEM (B) OF SECTION 26-27 THE AUTOMATIC REAPPOINTMENT

Motion by Fernandes, seconded by Loch, UNANIMOUSLY CARRIED: To amend the first reading of C-363-22 and instruct City Attorney to amend the ordinance to remove the proposed new section to item (b) of section 26-27 the automatic reappointment.

Council held a further discussion and a call for a vote was made.

Roll Call Vote

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

CM 09-06-22 MOTION TO APPROVE FIRST READING C-363-22

Motion by Fernandes, seconded by Loch, UNANIMOUSLY CARRIED: To approve first reading C-363-22.

Roll Call Vote

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

2. First Reading C-364-22 Zoning Board of Appeals Ordinance Amendment Chapter 51 Zoning, Article 23

CM 09-07-22 MOTION TO APPROVE FIRST READING C-364-22 WITH INSTRUCTION TO THE CITY ATTORNEY TO AMEND AND REMOVE LANGUAGE FROM SUB-PARAGRAPH (D) "UPON EXPIRATION OF A SITTING BOARD MEMBER'S TERM OF OFFICE, THE SITTING MEMBER SHALL BE DEEMED REAPPOINTED FOR AN ADDITIONAL THREE (3) YEAR TERM."

Motion by Owsinek, seconded by Lublin, UNANIMOUSLY CARRIED: To approve first reading with instruction to the City Attorney to amend and remove language from sub-paragraph (d) "upon expiration of a sitting board member's term of office, the sitting member shall be deemed reappointed for an additional three (3) year term".

Roll Call Vote

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

COUNCIL COMMENTS

Council Member Fernandes thanked the police and emergency services personnel during the tragic event on September 11th.

City Manager Whitt said the officers showed exemplified courage. City Manager Whitt explained he and Police Chief Shakinis will provide each council member with a report of what had occurred. City Manager Whitt said you cannot appreciate what these officers did until you see it. City Manager Whitt said the council will be provided a viewing of what is available and what they are entitled to view. City Manager Whitt said this was exemplary courage by the city's police officers and assisting officers. City Manager Whitt explained officers pulled a wounded woman from the scene to get her to the ambulance transport vehicle. City Manager Whitt said he is very proud of the city's officers, these officers responded like pros. City Manager Whitt opined that defunding the police movement is anti-American.

Council Member Woods thanked the first responders and said we are very appreciative of what you do.

Council Member Ambrose said he cannot express his acknowledgment of what occurred that day and he thanked everyone. Council Member Ambrose said he attended the annual Lakes Area Chamber of Commerce State of the Lakes event earlier today and it was good.

Council Member Loch said she echoes her fellow council members, and it is so scary when you see this happen in our backyard. Council Member Loch said her thoughts and prayers are with the family and everyone involved.

Council Member Owsinek said he also agrees with his fellow council member and can add nothing more, thank you to all.

Mayor Pro Tem Lublin said there is exemplary behavior in all departments, thank you for the wonderful work. Mayor Pro Tem Lublin said the Public Safety Campus expansion is going to look amazing and DPW Superintendent Ladd is doing great work. Mayor Pro Tem Lublin said this will be a great example.

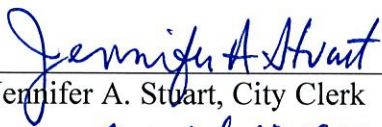
MAYOR'S REPORT

Mayor Ackley said she received emails from prior residents of Walled Lake regarding the September 11th tragedy, a very sad situation. Mayor Ackley said the Lakes Area Chamber of Commerce's annual State of Lakes luncheon was today, and she thanked DDA Managing Director Jaquays for stepping in to provide the updates on the city's behalf. Mayor Ackley explained local communities in attendance at the luncheon reported they are doing great, and Oakland County Executive David Coulter was present praising the communities.

Mayor Ackley said she received communications from a group, the Great Lakes Guardian and they plan on being in the community on October 1st for a volunteer clean-up on the beach and water areas.

ADJOURNMENT

Meeting adjourned at 8:30 p.m.



Jennifer A. Stuart, City Clerk
approved 10-18-22

Linda S. Ackley, Mayor