



**CITY OF WALLED LAKE  
REGULAR COUNCIL MEETING  
TUESDAY, AUGUST 16, 2016  
7:30 P.M.**

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

Pledge of Allegiance led by Mayor Ackley.

Invocation led by Mayor Ackley.

**ROLL CALL:** Mayor Ackley, Council Member Helke, Council Member Lublin, Council Member Loch, Council Member Owsinek, Council Member Robertson

**ABSENT:** Mayor Pro Tem Ambrose

**CM 08-01-16 MOTION TO EXCUSE MAYOR PRO TEM AMBROSE FROM TONIGHT'S MEETING**

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To excuse Mayor Pro Tem Ambrose from tonight's meeting.

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

**OTHERS PRESENT:** City Manager Whitt, Assistant City Manager Rodgers, Finance Director Coogan, Police Chief Shakinias, Fire Chief Coomer, City Attorney Vanerian, and City Clerk Stuart

**REQUESTS FOR AGENDA CHANGES:**

Mayor Ackley said she had two requests for agenda changes: move New Business Agenda Item #1 Storm Water Catch Basin Collapse Downtown - Marc Jones, Boss Engineering presentation after Approval of the Minutes, second to add swearing in of Police Officer Paul Barch under Council Consideration Item #3, and Item #3 would follow now as #4.

**APPROVAL OF MINUTES:**

**CM 08-02-16 APPROVAL OF THE JULY 19, 2016 REGULAR COUNCIL MINUTES**

Motion by Robertson, seconded by Lublin, CARRIED UNANIMOUSLY: To approve the July 19, 2016 Regular Council Minutes.

## **NEW BUSINESS:**

### **1. Storm Water Catch Basin Collapse Downtown – Marc Jones, Boss Engineering**

City Engineer Marc Jones from Boss Engineering provided a presentation on the collapse of catch basins along Walled Lake Drive. He explained the City has a crumbling infrastructure and Department of Public Works (DPW) has been placing steel plates over storm water catch basin sink holes that have opened in downtown to cover them as a temporary measure. He explained that typically catch basins are made of concrete, however the City had a sewer video taken of the catch basin and pipes in front of Bayside and discovered there is a truck route sign holding up E. Walled Lake Drive. He said the basin was not constructed with a full pipe or with any standards. He now has serious concerns about the E. Walled Lake Drive storm pipes. Four sink holes in the last year were due to aging infrastructure, poor materials, and faulty construction techniques. DPW has been placing band aids on them but there has to be a more comprehensive plan of action. In addition, there are water quality issues in the downtown area. He provided pictures of Bayside's grease traps and noted that there is no separation between their grease traps and Mercer Beach. In addition the outfall behind the parking lot of Bayside next to Mercer Beach has not been kept up. He said storm water runs off the roads and runs to the beach and erodes it. DPW has placed rocks on the beach to try and keep the storm water from eroding the beach. He has had conversations with the Michigan Department of Environmental Quality (MDEQ) about the polluted storm water discharging directly into Walled Lake. There are several outfalls in Walled Lake and one is in the middle of Mercer Beach. He said families play on the beach and there is storm water discharging right onto the beach. Storm water is not clean as it collects solvents, oils, grease, etc. and without treatment it can greatly reduce the water quality of the lake. He said the City's system was put in decades ago and it would not meet the standards that the MDEQ requires today. He suggested that if Council would like to implement a strategy to address this failing infrastructure, this is also an opportunity to address the walkability of E. Walled Lake Drive. For instance, there are several power poles located in the parking lane and it interferes with vehicle maneuverability. Council could address solutions for some of these downtown items at the same time a storm water system repair is occurring.

He recommended a short term solution to hire a contractor to repair the sink holes on Walled Lake Drive, he has obtained five bids to do this work and they will define the scope of work properly get them fixed. He suggested the City establish a two or three year term contract with a preferred contractor to repair infrastructure that DPW cannot manage. He explained the long term solution is to develop a study of the storm sewers downtown, the discharge to the lake from Pontiac Tail to Witherall and make recommendation for the consolidation and the relocation of outfalls, a design that makes sense and utilizes current water treatment technology.

## **DISCUSSION**

Mayor Ackley said the Council was provided a recommendation to fix the collapsing storm water drain system to address the immediate concern and asked for Council action.

Council Member Owsinek said this is an emergency situation and Council should move forward as soon as possible.

Finance Director Coogan explained as they worked to obtain bids for sink hole repair another situation arose in front of Barrels of Wine, 139 E. Walled Lake Drive with a huge sink hole. She said they would like to utilize the same vendor and they were asking Council to provide flexibility to the City Engineer to do so with the costs not to exceed \$40,000 to negotiate to get the three collection basins and pipe by Bayside replaced.

Council Member Lublin said if the specific sinkholes are fixed and then there are further sink holes being created is it better to review the cost to fix the entire street. He said the tunnel underground looks like a mess. He asked what the \$40,000 will cover. Mr. Jones said there are several sink holes. He said he is proposing to replace the two catch basins and replace the so called "pipe" by Bayside with 42 feet of concrete sewer pipe. He explained it is not a comprehensive fix for the whole downtown; but it will not create further problems down the line. Council Member Lublin asked how many catch basins the City has. Mr. Jones explained the comprehensive study will provide information to move forward to fix the entire system.

Mayor Ackley said in 2000 the Council approved Detroit Water and Sewer to run a sewer main down Walled Lake Drive.

Council Member Lublin asked what account the funds would be dispersed from. Finance Director Coogan explained at this time there is no request for a budget amendment as they will approach the Downtown Development Authority (DDA) for assistance with this project.

City Manager Whitt explained the infrastructure was not built in a sophisticated manner and now this is a local emergency. He said the DDA funds should be spent to rebuild the infrastructure before anything else. He agrees with Council Member Lublin the need for a strategic plan to rebuild the infrastructure downtown in necessary.

**CM 08-03-16            MOTION TO INSTRUCT BOSS ENGINEERING TO MOVE FORWARD WITH NEGOTIATIONS WITH CONTRACTORS TO FIX THE IMMEDIATE SINKHOLE SITUATION AND REPLACE SEWER PIPE BY BAYSIDE RESTAURANT ON WALLED LAKE DRIVE WITH COSTS NOT TO EXCEED \$40,000**

Motion by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY: To instruct Boss Engineering to move forward with contractors to fix the immediate sinkhole situation and replace sewer pipe by Bayside Restaurant on Walled Lake Drive with costs not to exceed \$40,000.

Mr. Jones said the Public Safety Campus is another concern. He explained there was a Workers Compensation claim already filed from a slip and fall. He provided a presentation of the existing conditions and safety hazards. He said the parking lot is not well designed for emergency police response. Police Chief Shakinis agreed and said there have been several vehicles damaged.

Mr. Jones explained a proposal for redesign of the Public Safety Campus including the new layout and reconfiguration that provides safer pedestrian crossing and better utilization of the space. He said Oakland County Resources patched the sink hole on the west side of the Fire

Station near the Greenaway Drain. The sink hole is part of the storm system discussed earlier. He proposes to replace the rest of that storm pipe during the parking lot constructions and its installation would be reimbursed by Oakland County because it is over the Greenaway Drain. The new design also enhances traffic flow, safer sidewalks, and storm sewer replacement for future maintenance. Quotes have been solicited from Cadillac Asphalt; for the hard scape and the City could address the landscaping later. He said with another winter approaching this should be reviewed and addressed as soon as possible. He said Cadillac Asphalt said they could begin this fall.

Council Member Owsinek asked about the two power utility poles on the rear side of the police station; it is a safety hazard. He asked if they be placed underground. Mr. Jones said there was conversation with DTE Energy and was told that cost to relocate with the amount of transformers on the existing utility pole is comparable to the cost for the electrical to be placed underground. He said it would be beneficial placing the utilities underground not only for safety but aesthetics.

City Manager Whitt said this is obvious it needs to be redone. He said Council can move forward on the global perspective. Council Member Owsinek said Boss Engineering already obtained bids from Cadillac Asphalt.

Finance Director Coogan said she has prepared a budget amendment resolution. She handed it out to Council. Council Member Lublin said he thought it was approved in this year's budget. Coogan agreed Council had budgeted this in their Capital Improvement Plan for the last two years but there is another \$550,000 necessary to get the engineering, storm water system under the parking lot redone, new underground electrical and the hardscape done. She said the specific contracts and pricing would be provided at a later date. She said the total anticipated budget will be \$900,000 however these numbers are tentative at this time.

Council Member Helke asked if Council can have the hard numbers now and come back to budget amendment.

Finance Director Coogan said this is a normal budget process for most capital expenditures. Council conveys their intent by approving a maximum budget and then staff moves forward getting hard numbers. She explained the funds would come from General Fund, DDA, and Federal Forfeiture Funds.

Council Member Owsinek said this budget amendment provides administration to move the negotiations for Public Safety Campus redesign forward.

**CM 08-04-16                    MOTION TO APPROVE THE TENTATIVE PUBLIC SAFETY  
CAMPUS REDESIGN PLAN AS DISCUSSED TONIGHT**

Motion by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY: To approve the Public Safety Campus redesign plan as discussed tonight.

**CM 08-05-16                    MOTION TO APPROVE RESOLUTION 2016-28 BUDGET  
AMENDMENT**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Resolution 2016-28 Budget Amendment.

**AUDIENCE PARTICIPATION:**

Dennis Burks – said the Open Meetings Act Handbook states that he does not have to provide his information of where he lives or who he is.

Gabe Costanzo, 815 Bluffton – gave his opinion on some changes that should be made to the City website.

**COUNCIL CONSIDERATION:**

**1. Oath of Office administered to Police Officer Ashley Mosher**

Ceremonial Oath of Office provided by Clerk Stuart.

**2. Oath of Office administered to Police Officer Paul Barch**

Ceremonial Oath of Office provided by Clerk Stuart.

**3. Oath of Office administered to Police Officer Brian Shafer**

Ceremonial Oath of Office provided by Clerk Stuart.

**4. Badge Presentation Fire Fighter Trace Tretinik**

Ceremonial Oath of Office provided by Clerk Stuart and Badge Presentation conducted by Fire Chief Coomer.

**MAYOR'S REPORT:**

**1. Executive Session to discuss personnel issue**

**CM 08-06-16                      APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUE TO BE INCLUDED FOR SESSION CITY MANAGER WHITT, ASSISTANT CITY MANAGER RODGERS, AND CITY ATTORNEY**

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To enter into executive session to discuss personnel issue to be included City Manager Whitt, Assistant City Manager Rodgers and City Attorney.

Roll Call Vote:

Yes: (6)                      Helke, Loch, Lublin, Owsinek, Robertson, Ackley

No: (0)  
Absent: (1)                      Ambrose  
Abstain: (0)

(6-0) CARRIED UNANIMOUSLY

**COUNCIL REPORT:**

Council Member Loch said the concerts in the parks are a huge success, the bands interact with the crowds and it's wonderful.

**CITY MANAGER'S REPORT:**

**1. Departmental / Divisional Statistical Reports**

- a. Police
- b. Fire
- c. Code Enforcement
- d. Finance
  - Warrant Report #8-2016

**CM 08-07-16                      TO RECEIVE AND FILE THE MONTHLY DEPARTMENTAL /  
DIVISIONAL STATISTICAL REPORTS**

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

**2. Executive Session to provide Council an update on pending labor negotiations**

**CM 08-08-16                      APPROVE TO ENTER INTO EXECUTIVE SESSION TO  
PROVIDE UPDATE ON PENDING LABOR NEGOTIATIONS  
TO BE INCLUDED ASSISTANT CITY MANAGER RODGERS,  
FINANCE DIRECTOR COOGAN AND POLICE CHIEF  
SHAKINAS**

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To enter into executive session to provide update on pending labor negotiations to be included Assistant City Manager Rodgers, Finance Director Coogan, and Police Chief Shakinias.

**Roll Call Vote:**

Yes: (6)                              Helke, Loch, Lublin, Owsinek, Robertson, Ackley  
No: (0)  
Absent: (1)                          Ambrose  
Abstain: (0)

(6-0) CARRIED UNANIMOUSLY

**3. Executive Session to discuss two personnel issues**

**CM 08-09-16 APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS TWO PERSONNEL ISSUES**

Motion by Lublin, seconded by Robertson, CARRIED UNANIMOUSLY: To enter into executive session to discuss two personnel issues.

Roll Call Vote:

Yes: (6) Loch, Lublin, Owsinek, Robertson, Helke, Ackley  
No: (0)  
Absent: (1) Ambrose  
Abstain: (0)

(6-0) CARRIED UNANIMOUSLY

**CORRESPONDENCE:** None

**ATTORNEY'S REPORT:**

City Attorney Vanerian requested to add a third Executive Session; item #3, Attorney Client Communication regarding Rizzo Environmental Consent and Waiver Agreement.

**1. Executive Session to discuss Attorney Client Communication: Janine Feinberg v City of Walled Lake**

**CM 08-10-16 APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS ATTORNEY CLIENT COMMUNICATION: JANINE FEINBERG V CITY OF WALLED LAKE**

Motion by Owsinek, seconded by Lublin, CARRIED UNANIMOUSLY: To enter into executive session to discuss Attorney Client Communication: Janine Feinberg v City of Walled Lake.

Roll Call Vote:

Yes: (6) Lublin, Owsinek, Robertson, Helke, Loch, Ackley  
No: (0)  
Absent: (1) Ambrose  
Abstain: (0)

(6-0) CARRIED UNANIMOUSLY

**2. Executive Session to discuss pending Federal litigation: Bailey Xenos Holdings, LLC et. al. v Walled Lake: Case No. 2:15-cv-12125-LJM-RSW**

**CM 08-11-16            APPROVE TO ENTER INTO EXECUTIVE SESSION TO  
DISCUSS PENDING FEDERAL LITIGATION: BAILEY XENOS  
HOLDINGS, LLC ET. AL. V WALLED LAKE: CASE NO. 2:15-CV-  
12125-LJM-RSW**

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To enter into executive session to discuss pending Federal litigation: Bailey Xenos Holdings, LLC et. al. v Walled Lake: Case No. 2:15-CV-12125-LJM-RSW.

Roll Call Vote:

Yes: (6)                    Owsinek, Robertson, Helke, Loch, Lublin, Ackley  
No: (0)  
Absent: (1)                Ambrose  
Abstain: (0)

(6-0) CARRIED UNANIMOUSLY

**3. Executive Session to discuss Attorney Client Communication: Rizzo Consent and Waiver Agreement**

**CM 08-12-16            APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS  
ATTORNEY CLIENT COMMUNICATION: RIZZO CONSENT  
AND WAIVER AGREEMENT**

Motion by Robertson, seconded by Loch, CARRIED UNANIMOUSLY, To enter into executive session to discuss Attorney Client Communication: Rizzo Consent and Waiver Agreement.

Roll Call Vote:

Yes: (6)                    Robertson, Helke, Loch, Lublin, Owsinek, Ackley  
No: (0)  
Absent: (1)                Ambrose  
Abstain: (0)

(6-0) CARRIED UNANIMOUSLY

**UNFINISHED BUSINESS:**

**1. Second Reading C-326-16 Rezoning from C-1 to C-3 and extend the Downtown Overlay District**

**CM 08-13-16            APPROVE SECOND READING C-326-16 REZONING FROM C-1  
TO C-3 AND EXTEND THE DOWNTOWN OVERLAY DISTRICT**

Motion by Robertson, seconded by Lublin, CARRIED UNANIMOUSLY: To approve second reading C-326-16 Rezoning C-1 to C-3 and extend the Downtown Overlay District.

**NEW BUSINESS:**

**1. Storm Water Catch Basin Collapse Downtown**

Discussed earlier on agenda.

**2. Proposed Resolution 2016-29 Appointing City Representative for Trailway**

Council Member Owsinek said this resolution provides to name Colleen Coogan as the City's new Trailway Council voting member.

City Manager Whitt explained the Commerce, Walled Lake & Wixom Trailway Management Council (CW2) is moving forward with purchase of the trailway. He said at last week's trailway meeting the Trailway Council motioned to have Ms. Coogan as their Treasurer and it passed.

**CM 08-14-16            APPROVE RESOLUTION 2016-29 APPOINTING FINANCE  
DIRECTOR COLLEEN COOGAN AS CITY'S CW2 TRAILWAY  
REPRESENTATIVE AND CITY MANAGER L. DENNIS WHITT  
AS ALTERNATE**

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve Resolution 2016-29 Appointing Finance Director Colleen Coogan as City's CW2 Trailway Representative and City Manager L. Dennis Whitt as alternate.

**3. Proposed Resolution 2016-30 SMART Contract Fiscal Year 2017**

Finance Director Coogan said the pricing the City is receiving back has not changed from the prior year.

**CM 08-15-16            APPROVE RESOLUTION 2016-30 SMART CONTRACT FISCAL  
YEAR 2017**

Motion by Lublin, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2016-30 SMART Contract Fiscal Year 2017.

**4. Rizzo Environmental Consent and Waiver Agreement**

Council placed this item under Attorney's Report item #4.

Randy Duncan, Duncan Disposal said they have been serving the City since 2007. He said after much debate and thought they have decided to fold their company into Rizzo Services as of July 20, 2016. He said they spoke with Ms. Rodgers and city staff and informed them right away. He

said they went through a serious vetting of companies and they decided upon Rizzo Environmental. He said they are another family owned business. He said they service over 40 municipalities. He said Duncan Disposal has every faith in their services. He said the City will not see a drop off in service. He said the same integrity and service with Rizzo Environmental.

Sam Caramagno from Rizzo Environmental Services said they are happy to do the work in the City. He said the City and its residents will have the highest service. He said employees have already introduced themselves the City staff.

#### **5. Police Department In-Car Video Camera Purchase**

**CM 08-16-16                    APPROVE POLICE DEPARTMENT PURCHASE OF AN IN-CAR VIDEO CAMERA SYSTEM FROM SINGLE SOURCE VENDOR WATCHGUARD DIGITAL FOR \$4,649**

Motion by Lublin, seconded by Loch, CARRIED UNANIMOUSLY: To approve Police Department purchase of an In-Car Video Camera system from single source vendor Watch Guard Digital for \$4,649.

#### **6. Capital Purchase of 60” Zero Turn Mower**

Finance Director Coogan explained this mower purchase is part of the Capital Improvement Purchases and it is a replacement.

**CM 08-17-16                    APPROVE CAPITAL PURCHASE OF 60” ZERO TURN MOWER FOR \$8,799 FROM LINE ITEM 101-000-900-981**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Capital Purchase of 60” Zero Turn Mower for \$8,799 from line item 101-000-900-981.

#### **AUDIENCE PARTICIPATION:**

Ken Kolke, 179 Spring Park – asked how he can appeal a decision by the Zoning Board Appeals.

Mayor Ackley said the City Attorney answered Mr. Kolke’s questions and it is best to consult his attorney for guidance.

Dennis Burks – said he had an half an hour to talk according to his Open Meetings Handbook. Mayor Ackley explained he had three (3) minutes to talk. He spoke for three (3) minutes.

Gabe Costanzo said he wanted to update Council on Market Day. He said it has been a tremendous struggle on getting vendors. City Manager Whitt said there has been discussion about lack of vendors and the cost however, the event would still be held this year.

Council Member Lublin suggested hosting Market Day simultaneously with other City events.

**COUNCIL COMMENTS:**

Council Member Loch reminded council of the movie this weekend at Sims Park.

Council recessed 9:10 p.m.

Council entered into executive session at 9:25 p.m.

Council rose from executive session at 9:37 p.m.

**CM 08-18-16            MOTION TO HAVE A THIRTY DAY DUE DILIGENCE TO  
REVIEW OPTIONS FOR TRASH DISPOSAL AND HAVE THE  
CITY MANAGER AND CITY ADMINISTRATION ASSESS THE  
CITY OPTIONS GOING FORWARD**

Motion by Lublin, seconded by Owsinek, CARRIED UNANIMOUSLY: To have a thirty day due diligence to review options for trash disposal and have the City Manager and City Administration assess the City options going forward.

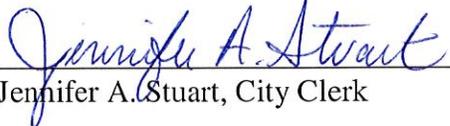
Council entered into executive session at 9:44 p.m.

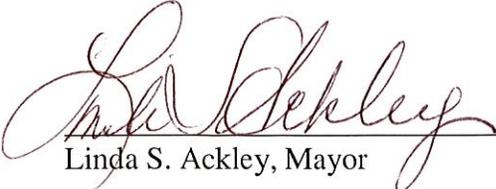
Council rose from executive session at 10:26 p.m.

**CM 08-19-16            MOTION TO APPROVE RESOLUTION 2016-31 DIRECTING  
AND AUTHORIZING THE MAYOR TO MAKE INQUIRY INTO  
THE ACTIVITIES AND COMPLAINT FILED AGAINST A  
SITTING COUNCIL MEMBER OF THE CITY PURSUANT TO  
THE CITY CHARTER**

Motion by Owsinek, seconded by Loch, CARRIED UNANIMOUSLY: To approve Resolution 2016-31 Directing and Authorizing the Mayor to make inquiry into the activities and complaint filed against a sitting council member of the City pursuant to the City Charter.

Meeting adjourned at 10:27 p.m.

  
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Jennifer A. Stuart, City Clerk

  
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Linda S. Ackley, Mayor