



**CITY OF WALLED LAKE  
REGULAR COUNCIL MEETING  
AUGUST 19, 2014**

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 Pro Tem Robertson.

**ROLL CALL:** Mayor Ackley, Mayor Pro Tem Robertson, Council Member Ambrose, Council Member Loch, Council Member Owsinek, Council Member Sturgeon, Council Member Yezbick

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

**OTHERS PRESENT:** City Manager Whitt, Police Chief Shakinas, Interim Fire Chief Coomer, Finance Director Coogan, Public Works Coordinator McGill, City Attorney Vanerian, Deputy Clerk Stuart, and Confidential Administrative Assistant Rodgers

**REQUESTS FOR AGENDA CHANGES:**

**APPROVAL OF THE MINUTES:**

**CM 08-01-14 APPROVAL OF THE JULY 15, 2014 REGULAR COUNCIL MEETING MINUTES**

Motion by Robertson, seconded by Owsinek, **CARRIED UNANIMOUSLY:** To approve the July 15, 2014 Regular Council Meeting Minutes.

**AUDIENCE PARTICIPATION:**

Mark Shurmur 1249 Wanda discussed entrance to Sims Park and 4 non entrance ways to park: Wanda, Wabasso, by the Condo, and Bolton Street. He explained in June he installed a gate at the end of Wanda, with a lift latch gate and on August 1st the Code Enforcer removed the gate and confiscated it. He said there is a leash ordinance for dogs in park, and the gate allowed dogs to run in front yard without a leash. He said he spoke with everyone and they did not have an issue with the gate. He explained when he built his house he had to grant an easement from the road to the park and his neighbors, the Proctors, would never do that because they were afraid the City would put a road in to get to the park. He explained that Mrs. Proctor does not have a problem with the gate and he said he believes the park entrance is on private property. He said there are several small children in the neighborhood, people drive along the fence to drop items off for parties, two big ponds; and it is possible children who run through the gate could get hit

by a car. He asked for a variance to be provided to have a gate at the end of Wanda. He said he would like the gate replaced.

Manager Whitt said the administration will review and find a solution and someone will get back with him.

Ruth Ann Dougher, 541 Winwood Circle said she has heard a rumor about an apartment complex being built at the end of Witherall and E. Walled Lake Drive. She said she would like to voice concern of not wanting to have the apartments built. She explained there are four churches, Mercer Beach, Bayside Sports Grille, and if the City were to put in an apartment complex with 71 units in those two lots, she does not understand how that corner could substantiate 70 parking spots. She said when the City has City events for example; the parade all that parking will be gone.

City Manager Whitt stated the City was approached by the owner of property for a development project. He explained the property was never and is not a park but that it is private property and years ago the City made an arrangement with the property owner, to clean the lot to use for some City events in the mean time. He explained the property owner is trying to put it to work for himself and he has been paying his taxes. He said the property owner partnered with another group, Foremost Development. He explained the developer came to administration on a preliminary basis and City Council requested further information and due diligence of a traffic study. He said City Council has done nothing but listen to the idea and has not been provided any further information to date. He explained that the owner of the property has a right to develop his property. He said if and when the project moves forward a public hearing will be hosted and open to the public.

#### **COUNCIL CONSIDERATION:**

##### **1. Presentation by Tim McClorey, MMRMA**

Mr. Tim McClorey, Risk Manager with Michigan Municipal Risk Management Authority (MMRMA) said he was providing a dividend check to the City. He explained that MMRMA distributes money back to its members and presented Walled Lake's portion of \$30, 444.00. He said the total for the City of Walled Lake since starting their membership was \$75,714.00 back to the City.

##### **2. Presentation by Fred Eaton, Comcast Senior Manager of Government Affairs**

Fred Eaton, Senior Manager Government Affairs for Comcast explained that Comcast will be under new ownership; Midwest Cable and closely tied to Charter Communication pending on Comcast's pending acquisition of Time Warner Cable. He explained there will be a transitional agreement between Comcast and Charter Communication during the transition phase to minimize patron's issues. He said there was documentation provided of the acquisition. He explained since the City is already covered by the franchise, the franchise does not renew until end of this year. He said the City has 120 days from date of delivery, June 20, 2014, to

affirmatively approve the transaction or if the City chooses to remain silent, it is assumed compliance and will move forward. He said he was requesting approval for the new agreement. He explained this was a cable company that was an established business that was changing its control.

City Manager Whitt stated if the changes take place as planned, what will be the cost to the residents of Walled Lake.

Mr. Eaton said that the company is in a competitive business and compete with satellite, AT & T, and other cable providers. He explained that customers have the choice to go to other providers. Mr. Eaton said the 120 day marker runs out October 20, 2014.

Mayor Ackley said they will have the agreement on the agenda for the September meeting for City Council to take action.

### **3. Colliers International Presentation and request for Tax Exemption Ordinance**

Mr. George Larimore, works for Colliers International and provided a presentation for Walled Lake Tax Exemption Ordinance. He said he was working with Michigan Non Profit Housing Incorporation (MSHDA) who owns Walled Lake Villas. He said he was seeking approval of an extension of the existing tax abatement with some changes and have an emergency municipal service agreement.

He explained he was asked by the Michigan Housing State Housing Development Authority if his group would consider running a project acquisition rehab program that MSHDA had available. He explained that basically it would change hands of ownership, refinancing, and new money would come into the project for betterment and repairs. He said it would be \$7 million for elderly and family project. He explained the repairs to be done for the elderly would be: parking, site lights, heating, A/C upgrade for 160 units, new floor covering, cabinets, appliances, carpeting, new windows, doors, and balconies on the high-rise. He explained the family buildings would resurface the parking lot, new site lighting, landscaping, patio's door stoops, units to be resided, reroofed, and inside all new bath fixtures, cabinets, appliances, vent hoods. He said there will be \$27,000 of repairs and betterment to the units. He provided copies of Scope of Work and outlines.

Mr. Larimore asked for Council's consideration of the PILOT (Payment in lieu of Taxes) ordinance. He said it only applies to elderly part of the project. He explained it replaces property taxes instead of having the taxes based on value, the taxes would be based on the percentage of rental income from the project. He explained that currently the Villa is paying 4% to Walled Lake in payment in lieu of taxes. He said this payment averages \$54,000 a year. He said the existing PILOT was based on a consent judgment, and he was requesting that it be superseded over the consent judgment.

He explained the second part for Council's consideration is the Municipal Emergency service agreement. He said the PILOT was a type of tax abatement. He said if an ad valorem tax roll,

they would be paying more in taxes. He said they do recognize with projects such as this, in particular to the elderly housing, have more emergency calls for slip and fall in these areas. He said in order to help the City; he proposes a Municipal Emergency service agreement. He explained this would pay the City an amount during the year to help set off the cost of emergency services to Walled Lake. He said the proposal states a \$10,000 a year payment and would run concurrently with the PILOT ordinance and both would expire simultaneously.

He said he is requesting a first reading of the PILOT ordinance and emergency service agreement.

He explained because of the consent judgment that is out there now it would have to be modified. He said the Planning Commission was dealing with a site plan review to add a community room to the existing building. He said they are also requesting to rezone the property to Class A from Class B.

City Manager Whitt said the consent judgment was first agreed to in 1976; the zoning was agreed upon in the agreement as part of the consent judgment based on a site plan that was presented as part of the consent judgment. He stated his recommendation was to have the entire court case be reviewed. He explained that the Walled Lake Villas was never zoned, the consent judgment overrode zoning.

Mr. Larimore said he is not handling zoning issues, Anne Danosky, is assigned to that. He said they are not enlarging project and it will be the same number of housing units.

Council Member Ambrose asked for history of the property. He said the consent judgment came through in 1976.

Mr. Larimore explained when these projects were built in the past, projects such as the Villas; there was a lot of resistance to have affordable housing in any community. He explained there was a lot of resistance to approving these PILOTs for the fact that they are tax abatement. He explained the PILOT does bring in a high density use and so it does drag in City services and those people do not pay their fair share. This is a payment in lieu, a lot of these projects when they came into communities, when they did not have zoning to accommodate affordable housing, the developer's only recourse, in the past, was to go to court and seek consent judgment to permit development. He said an agreement was reached between developer and community with PILOT. He explained there were exhibits attached to Walled Lake's consent agreement which nobody can produce. He explained there was a controversy, it went to court, the developer and the City basically reached a settle agreement. He said it established the right for the Villas, affordable multifamily development to be built in Walled Lake. He explained the plan within the consent agreement is not the same as the structure is standing now. He said in the consent judgment the development is basically 10% of tenant collected rents and people pay rent based on a percentage of their income. The federal government makes up the difference on what a person pays and what the market rents are.

Mayor Ackley stated there were changes made to the PILOT back in 1993. Mr. Larimore explained back in 1993 the only thing that changed was ownership.

Mayor Ackley said it did extend the PILOT.

City Manager Whitt said he thought the Housing Authority owned it. Mr. Larimore said it was developed by a private developer with financing from MSHDA. He said in 1993 MSHDA worked with Michigan Non Profit Housing Incorporation to acquire the project from the private party and run it as their housing group. City Manager Whitt stated according to the consent judgment in the 70s that it would terminate the PILOT agreement.

Council Member Ambrose asked if PILOTs ever expire or renegotiate them. Mr. Larimore stated it is PILOT law and hard for communities who adopted a tax PILOT to take them away.

City Manager Whitt explained earlier discussed in the week he thought to believe that the PILOT had an expiration date.

Mr. Larimore said it expires when there is no longer a MSHDA mortgage on the property. He said it expires in ten (10) years.

Mayor Ackley stated then if the mortgage expires then the PILOT expires.

Mr. Larimore said not necessarily if there is another MSHDA mortgage placed on it then it would probably be when that mortgage expires.

Council Member Robertson stated since 1970's how much revenue has the City sacrificed for this project. Mr. Larimore said he does not have a clue how much the PILOT payment has been. He said the property does not have an assessed value, therefore cannot tell what the property taxes would be if it was paying an ad-volrem basis, it has never had an assessed value so it cannot not be determined. He explained he does have records of what was paid from the PILOT in the last seven (7) years and what it would have paid had it been on the tax rolls.

Council Member Robertson said the City just passed a Public Safety millage that went to all the tax payers however it won't touch the Villas residents. He expressed concern that the services rendered to the residents of the Villa and what they require, if there isn't some adjustment here, \$10,000 to be paid from the Emergency Municipal service agreement towards those services would not come close to covering the cost. He stated that he would like to continue the services to the Villas but this whole thing would not be fair to the Villas residents.

Mr. Larimore explained that he used a hypothetical situation that these elderly apartments units, which are the only units he is discussing the PILOT for, because the family units are paying regular taxes of \$45,000 a piece and said he and the Council can work through all these numbers. He explained it comes back to half the property taxes that would have been collected based on that \$45,000 for the public safety budget and that is taking the public safety budget, looking at the percentage of the total budget, how many mills the City levies, and looking at the assessed of \$22,500 and came up with about half. He said part of the 54 for comes to the City and it is not far off to what the residents are paying for public safety from what anyone else would.

Council Member Owsinek asked how is this PILOT going to be different than the existing PILOT we already have. Mr. Larimore said it is not going to be different.

Council Member Owsinek stated doesn't it include the townhouses that currently pay ad valorem taxes.

Mr. Larimore said no, this is only for the elderly mid-rise property, we are not asking for anything on the townhouses.

Council Member Owsinek said this PILOT is basically is going to remain the same, strictly for the high-rise units, so they will be collecting ad valorem taxes on the townhouses, even though you plan on renovating some of those townhouses with the money.

Mr. Larimore said correct.

Council Member Owsinek said how you are going to do that under, what justification. He explained if MSHDA is going to use PILOT money that becomes available to renovate the townhouses that they would somehow become included.

Mr. Larimore said he is not using the PILOT money what he needs the PILOT for is to qualify for the program. The program itself is to bring the money in to renovate the townhouses and the elderly units; it is not the PILOT itself. He said now can more money be brought in, yes. He explained there is no prohibition anywhere from taking the money from the entire project can generate and dumping it back into the project for repairs and benefits.

Council Member Owsinek stated that Mr. Larimore is asking for a new PILOT to do away with the old PILOT and asked how is that going to be affected; are you going to sell this to another entity?

Mr. Larimore explained because it is an acquisition rehabilitation project his company is going to sell the property to another entity that is controlled by the same people that control Michigan Non Profit Housing Corporation. He said the people who run Michigan Non Profit Housing Corporation are three charities that service a variety of individuals. He explained that these organizations, educates, and trains individuals to become part of society again. He said one of the main goals is to put low income people into home ownership; and explained how it is a minimum of a four year process. He said that when this is all over they will control and own the property but Michigan Non Profit Housing Corporation is going to have to sell it and that they will sell it.

Mayor Ackley said she remembers what happened in 1971; and the biggest concern at that time to the City father's was that this project was going to be a burden on the tax payers and the community, it wasn't that they didn't want to help the elderly but again they saw it as a big tax burden. She explained the City has always supported the Villa. She stated the City put it to the people to put to a vote to get SMART service to provide transportation mostly for the Villa because the owner's of the Villa would not help their own people so Walled Lake has always been there for them. Mayor Ackley said last summer when the City was having their own

financial problems the Villa's management came to City Council and said "*how dare you get rid of the fire department from us*" and not once did they say or asked how they can help fund the fire department but "*you are taking from us.*" She explained with the recent passing of the public safety millage that the people, who voted for it, did not realize that the City is totally supporting the Villa with the City's public safety and those are the people she has to be concerned with too. She said she and council by no means want to see this PILOT last forever. She said if the council agreed to what Mr. Larimore proposed; the City loses out and will not get a fair share. She said based on what the taxes would be on this property, she said she felt \$54,000 and the \$10,000 for our services was not enough. She said she doesn't know what the Villa management has done to help the City.

Council Member Owsinek requested a report from the Finance Director come up with some numbers about what kind of lost revenue if the PILOT continues.

Council Member Sturgeon asked what is the Villa willing to do to lessen the burden on the Walled Lake tax payers. Mr. Larimore said there is nothing they can do based on the independent housing category for the Villa. He said it is in a different classification, and the requirements were in place by HUD and MSHDA. He said if the elderly properties, 160 units, are worth \$45,000 a piece. He said they will obtain an appraisal to determine the Fair Market Value.

Council Member Robertson said he calculated \$7 million and the proposal is to do \$7 million worth of betterments.

Finance Director Coogan said the \$54,000 per year the PILOT is paying, does not all go to the City most goes to the schools, so the City only receives \$12,000 from the Villa. She explained that not every tax payer pays the same rate. She said in every level of government tax reductions may be given for various reasons, some are to encourage investments in downtowns, to upgrade an area of the community, to clean up environmental problem, and to house the elderly, and veteran support. She explained how some pay a reduced amount and some pay an amount instead of the tax which is Payment In Lieu Of Taxes (PILOT). The Villa high-rise is a PILOT on a portion on the high-rise. The Townhouses do pay a full tax rate. She further explained how in the agreement the finance department would agree with council that the new ordinance would in fact include the townhouses as part of the PILOT. She said Parcel A, the high-rise apartments, 160 units, are tax exempt. She stated in 2013, that PILOT contributed \$12,107 towards city services; Parcel B, the townhomes, which are fully taxed, 100 units, they contributed \$32,372 towards City services. She said an analysis of the services: 16.7% of Fire incidents, which equates to \$147,000. She said a 5.2% Police calls occur at the Villa. The Total effect on the City resources is a revenue of Villa is \$44,0000, the Fire service and Police service combined net loss \$232,000 that are paid by other tax payers, that is each and every year. The \$232,000 in services are being provided that are greater than the revenues coming into the City.

She stated that the City just passed a new millage of \$692,000, 34% of the new millage will be used to support the Villa, 1/3 of the new money coming in. She said the City does have SMART services, the SMART services collected from the Villa is \$1,645.00, 52% of SMART rides are to the Villa and the cost of the 52% is \$65,700. She explained the City does not charge SMART for phone calls, arranging calendar, etc. so it is probably higher.

She said this means to the City is that the public safety short fall \$232,000 the SMART falls \$64,000 this is close to each year \$300,000 in services provided to the Villa and the City is looking at a \$10,000 offer from the proposed Municipal Services agreement. She explained the Villa has been tax exempt for 38 years since 1976. She said the estimated loss taxes are \$5.9 million taxes. She explained the purpose and point of PILOT is to help build the housing. She further explained the cost of that high-rise was \$3 million so you can see the taxes, been not realized or kept for use and operation are double the original building. The City's portion of the \$5.9 million is \$1.5 million and this is a conservative approach.

Council Member Owsinek said based on revenues that didn't come to the City, why were these revenues rolled back in and maintenance done on an ongoing basis over the last 38 years. He stated if you go to get a mortgage as regular homeowner, you are suppose to upgrade your units, you are suppose to update it to current code.

Mr. Larimore said these projects are 38 years old the building needs an update. Council Member Owsinek said as a homeowner you must provide maintenance to your home.

Mr. Larimore said the typical procedure if the City weren't going through this property is that MSHDA contracts with a company Onsight/Insight and PCNA (Project Kept Lead Assessment) they go through every building system from carpeting, bathroom fixtures, to A/C in every unit, and pavement. He explained that they put it on a schedule and that is how it gets done. HE said the replacement reserve is used to pay for it and is put aside every year. He said that has been planned, good sound maintenance. He explained the Villa is an apartment complex; the residents are not owners they may not care but the maintenance and upgrade are not done. He explained the \$7 million dollars is to upgrade each unit, parking, etc.

Council Member said in reviewing this proposed PILOT the townhouses would become part of the PILOT. Mr. Larimore said it will be corrected. He said the PILOT ordinance itself is only the elderly portion of the project; there will be no bleed over.

Mayor Ackley asked that if the use of the \$7 million is to upgrade to reduce cost, which adds to the Villa's profit and how will that help the tax payers of Walled Lake. She said since there is a consent judgment how can Council consider any of this at this time.

Mr. Larimore said the PILOT will remain in place one way or another; there will be a MSHDA mortgage on this property. He said as long as there is a MSHDA Mortgage the consent judgment says the PILOT will stay in place.

City Manager Whitt said MSHDA cannot override the judge, there is a consent judgment that exists, it gives an expiration date. He explained the City's PILOT program continues as long as MSHDA has an interest, which means if MSHDA refinances in another company then it is a perpetuation of PILOT, which means the City is no better off. He said it still needs to be approved by judge. He said if there was a court case, then records exist. He said that MSHDA is in business of loaning money to corporations after borrowing money, by issuing bonds, the bonds issued on this property probably expire soon. He explained there will be a termination date where MSHDA will not have an interest. City Manager Whitt agreed with Mayor to sharpen

pencils and provide a better figure. He said the residents of the Villa are the issue, the management is the issue. He said the corporation have own it and continue to own it. City Manager Whitt said let's package a new proposal and present again to council. He said it is in court, it is a consent judgment and the City should try to work it out, negotiate; \$10,000 is a mere gesture to negotiate.

Council Member Sturgeon withdrew motion.

**CM 08-02-14            MOTION TO AUTHORIZE THE CITY MANANGER TO  
NEGOTIATE FURHTER WITH COLLIER'S INTERNATIONAL  
AND IF UNSUCCESSFUL TURN OVER TO THE CITY  
ATTORNEY**

Motion by Sturgeon, supported by Owsinek: CARRIED UNANIMOUSLY: To authorize the City Manager to negotiate further with Collier's International and if unsuccessful turn over to the City Attorney.

Mr. Larimore said if the ordinance encompasses the townhomes it will be removed. He asked for the property taxes on the townhouses.

City Manager Whitt said the MSHDA mortgage is capped at 50 years, if it is the same PILOT it stays by law. He explained the consent judgment is in place and the owner's have sold the property at least once since the consent judgment.

**3.        Amendment to Chapter 58, "Planning", Article II, "Commission"**

City Manager Whitt said this ordinance is a draft ordinance. He said it allows the City Council to restructure the Planning Commission. He suggested if Council ready to act, move for first reading. He explained if not, take it back and carry over to next meeting with more time to discuss.

Mayor Ackley suggested move to next month's agenda New Business for first reading.

**MAYOR'S REPORT:**

Mayor Ackley said there is a Memorial service but can't remember the date and said that if Council wished to attend please let her know and she will get the details to them.

**COUNCIL REPORT:**

Owsinek said the Trail way meeting was cancelled. He said the appraisals were not available. Mayor Ackley said she has received e-mails of brush not being removed from trail area. She explained her response is that it is still private property.

Council Ambrose said DDA meeting was held and some house cleaning was taken care of.

Yezbick reported on the recent concert in the park and the pizza and pop sales were successful. He said the 39<sup>th</sup> annual Market Day is this Sunday, August 24, 2014 from 11-5pm.

**CITY MANAGER'S REPORT:**

**1. Monthly Departmental Statistical Reports**

**CM 08-03-14 MOTION TO RECEIVE MONTHLY DEPARTMENTAL STATISTICAL REPORTS**

Motion by Owsinek, seconded by Sturgeon, CARRIED UNANIMOUSLY: To receive monthly departmental statistical reports.

**2. Request to enter into Executive Session to discuss Pending Litigation**

**CM 08-04-14 MOTION TO ENTER IN EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION ON BEHALF OF THE CITY MANAGER REQUEST AND CITY ATTORNEY REQUEST**

Motion by Robertson, seconded Yezbick to enter into Executive Session to discuss Pending Litigation.

**ROLL CALL VOTE:**

Yes (7)      Ambrose, Loch, Owsinek, Robertson, Sturgeon, Yezbick, Ackley  
No (0)  
Absent (0)  
Abstain (0)

7-0      MOTION CARRIED

**CORRESPONDENCE:**      None

**ATTORNEY'S REPORT:**

City Attorney Vanerian reported on the sidewalk acquisition progress. He said that a resolution could not be reached and he is moving forward with drafting motion to legally acquire sidewalk and will pursue legal action.

**UNFINISHED BUSINESS:**

**1. Second Reading C-316-14 Sign Ordinance Amendment – Temporary Signs**

**CM 08-05-14 MOTION TO APPROVE SECOND READING C-316-14 SIGN ORDINANCE AMENDMENT- TEMPORARY SIGN**

Motion by Sturgeon, seconded by Robertson, CARRIED UNANIMOUSLY: To approve second reading C-316-14 Sign Ordinance Amendment – Temporary Signs.

Police Chief Shakinias provided presentation of liquor licenses. He reviewed the five liquor licenses issued to bars, restaurants, taverns/pubs, and the SSD licenses. He provided reviews of the two applicants which included pictures, location, business summary, etc. Interim Fire Chief Coomer stated his review did not provide any issues.

Caleb Sheng said he works for the law firm, Sheng Law Group, representing the Sushi Den. He said he is confident with moving forward with the process and thanked the Council for consideration.

**2. Proposed Resolution 2014-32 Sushi Den Liquor License Application**

**CM 08-06-14 MOTION TO APPROVE PROPOSED RESOLUTION 2014-32  
SUSHI DEN LIQUOR LICENSE APPLICATION**

Motion by Sturgeon, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve proposed resolution 2014-32 Sushi Den Liquor License Application.

Council Member Ambrose said is happy to have met the Sushi Den applicant however; he has not met the other. City Manager Whitt said he himself has visited the other business and the owner does not speak a lot English. He said Administration agrees with the Department Head review and has no issues with moving forward and granting resolution.

**3. Proposed Resolution 2014-33 Jeff's Kitchen Liquor License Application**

**CM 08-07-14 MOTION TO APPROVE PROPOSED RESOLUTION 2014-33  
JEFF'S KITCHEN LIQUOR LICENSE APPLICATION**

Motion by Owsinek, seconded by Robertson, CARRIED UNANIMOUSLY: To approve proposed resolution 2014-33 Jeff's Kitchen liquor license application.

**NEW BUSINESS:**

City Attorney said this ordinance provides opportunity for review of transfer of liquor license, review of applicant, location, it encompasses an entire review regardless of where the location is etc., it would be City Council reviewing and granting approval. He said this ordinance does apply to all liquor licenses existing who serve alcohol in a bar or restaurants on site who are seeking renewal, transfer of liquor license and new applicants.

Council Member Sturgeon asked about the fee. City Attorney Vanerian said there is a clause on the ordinance and a fee will need to be established by Council.

Police Chief Shakinias said Administration created an application that puts the work on the business. He explained that applicants will have to provide information and can be subject to

review and approval. Council Member Ambrose said in the past applicants had to come before Council and they could decide who is coming to the community.

The revisions will include new language to the ordinance.

**1. First Reading C-317-14 Amend Alcoholic Liquors with changes discussed exempt existing establishments and to include all liquor and party stores.**

**CM 08-08-14            MOTION TO APPROVE FIRST READING C-317-14 AMEND ALCHOLIC LIQUORS WITH CHANGES DISCUSSED, EXEMPT EXISTING ESTABLISHMENTS AND TO INCLUDE ALL LIQUOR AND PARTY STORES**

Motion by Yezbick, seconded by Robertson, CARRIED UNANIMOUSLY: To approve first reading C-317-14 amend alcoholic liquors with changes discussed, exemption existing establishment and to include all liquors and party stores.

City Attorney Vanerian said he felt this ordinance was not necessary if Council agrees to approve First Reading of C-317-14. He said it would be inconsistent results.

Council Member Robertson said currently the C-3 zone does not permit bars and restaurants serving alcohol. He explained there are a lot of churches in the downtown area so is it necessary to change right now. He said at this time no need to make this decision.

City Attorney Vanerian said the Council could make it a Special Land Use request. Council discussed the pros and cons to changing the text amendment.

City Manager Whitt said vote motion and vote it down with reasoning or no vote on it at all and it dies. He said he felt it should be noted for the record why it was voted down.

Council Member Ambrose agreed and said it necessary at this time to make any changes.

**2. First Reading C-315-14 Text Amendments C-3 Zoning District**

No motion made.

Council Member Ambrose said that he appreciates all the hard work that Planning Commission has done to help improve the downtown area but at this time it is not necessary to make these changes when there is no proposal for a zoning change.

**3. Resolution 2014-34 Oakland County Emergency Management Coordinator**

**CM 08-09-14            MOTION TO APPROVE RESOLUTION 2014-34 OAKLAND COUNTY EMERGENCY MANAGEMENT COORDINATOR**

Motion by Owsinek, seconded by Ambrose, CARRIED UNANIMOUSLY: To approve resolution 2014-34 Oakland County Emergency Management Coordinator.

**4. Traffic Control Order 14-08 Pet Awareness Day**

**CM 08-10-14 MOTION TO APPROVE TRAFFIC CONTROL ORDER 14-08 PET AWARENESS DAY**

Motion by Ambrose, seconded by Robertson, CARRIED UNANIMOUSLY: To approve Traffic Control Order 14-08 Pet Awareness Day

**5. Amendment to Chapter 58, "Planning," Article II, "Commission"**

**CM 08-11-14 MOTION TO APPROVE FIRST READING AMENDMENT TO CHAPTER 58 "PLANNING," ARTICLE II, "COMMISSION"**

Motion by Owsinek, supported by Ambrose: CARRIED UNANIMOUSLY: To approve first reading amendment to Chapter 58 "Planning," Article II, "Commission."

**AUDIENCE PARTICIPATION:** None

**COUNCIL COMMENTS:**

Council Member Loch- None

Council Member Owsinek- None

Council Member Sturgeon- None

Council Member Ambrose- None

Council Member Yezbick- None

Mayor Pro Tem Robertson- None

Mayor Ackley- None

**CM 08-12-14 BILLS FOR APPROVAL**

Motion by Robertson, seconded by Owsinek, CARRIED UNANIMOUSLY: To authorize the Treasurer to make disbursements and transfers on Warrant #09-2014 in the amount of \$971,414.07 this being in the best interest of the City.

Council recessed at 9:40 p.m.

Council entered into Executive Session at 10:08 p.m.

CM 08-15-14

**MOTION TO INSTRUCT THE CITY ATTORNEY AND CITY MANAGER TO TAKE THE NECESSARY ACTIONS DISCUSSED IN EXECUTIVE SESSION, TO REQUIRE THE OWNERS OF THE REAL PROPERTY LOCATED AT 1178 & 1186 LEON TO ABATE THE VIOLATIONS WHICH ARE DETERMINED TO BE DANGEROUS TO THE HEALTH AND SAFETY OF INHABITANTS, INCLUDING FILING A CIVIL COURT ACTION, AND OTHER SUCH ACTIONS THAT ARE CONDUCIVE TO PROMOTING AND PROTECTING THE PUBLIC HEALTH, PEACE, SAFETY, WELFARE AND ACCOMMODATION OF THE PUBLIC**

Motion by Ambrose, seconded by Yezbick, CARRIED UNANIMOUSLY: To have the City Attorney and City Manager to take the necessary actions discussed in executive session, to require the owners of the real property located at 1178 & 1186 Leon to abate the violations which are determined to be dangerous to the health and safety of inhabitants, including filing a civil court action, and other such actions that are conducive to promoting and protecting the public health, peace, safety, welfare and accommodation of the public.

Council rose from executive session at 10:40 p.m.

  
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Chelsea Rodgers  
Confidential Administrative Assistant

  
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Linda S. Ackley  
Mayor